

MINUTES  
ATTORNEY GENERAL'S  
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE  
San Francisco, California  
March 4, 1985

The Meeting of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence was called to order by Chairman Monsignor William Barry at approximately 9:05 AM, Boardroom, State Bar Association Building - San Francisco, California.

Commissioner's Present:

Joaquin Avila  
Msgr. William J. Barry, Chairman  
Irma Castro  
Thomas F. Coleman  
David Kassoy  
Janet Levy  
Hon. Alice Lytle  
John W. Mack  
Leticia Quezada  
Hon. Armando O. Rodriguez  
Dr. Hazel Hawkins-Russell  
John J. Saito  
Diane C. Yu

Commissioners Absent:

Richard Chavez  
Vincent Harvier  
Bishop Will L. Herzfeld

Special Liaison Present:

Steve Owyang, Executive and Legal Affairs  
Secretary, Fair Employment and Housing  
Commission

Department of Justice  
Personnel Present:

Marty Mercado, Chief Community  
and Consumer Affairs  
Marian Johnston, Civil Rights Enforcement  
Section - San Francisco  
Manuel Medeiros, Deputy Attorney General  
Sacramento  
Louis Verdugo, Deputy Attorney General  
Los Angeles  
Henry Torres, Deputy Attorney General  
Los Angeles  
Dolores Hernandez, Secretary  
William Guarino, Student Assistant - Sacramento

## APPROVAL OF MINUTES

The minutes of the December 13, 1984 meeting were approved with the following corrections:

Page 4 - Rewrite second sentence in third paragraph to clarify that the victims are the undocumented workers.

## SCHEDULING OF NEXT MEETING

The Commission agreed that a two day meeting should be scheduled for June. There was discussion as to location and Commissioner Russell made a strong recommendation for the meeting to be held in the inland area, preferably Riverside.

There was discussion on a Legislative subcommittee proposal to conduct hearings directed specifically at the question of whether the civil and criminal remedies which are already on the books are effective and sufficient. The committee is suggesting two hearings be held; one in the north and one in the south, and suggested that the first hearing be held the day before the regular Commission meeting if possible. After discussion it was agreed that the most convenient time for members is to have the subcommittees meet on Sunday evening with the full commission meeting on Monday. It was further decided that the public hearing suggested by the Legislative subcommittee should be held in Los Angeles to assure better participation, and should be scheduled sometime before the June meeting if possible.

MOTION: Commissioner Lytle made a motion seconded by Commissioner Yu that the Legislative subcommittee work with staff to set up hearings - one in the south and one in northern California and invite other Commissioners to attend if they wish. The motion carried.

MOTION: Commissioner Lytle made a motion seconded by Leticia Quezada that the next meeting of the Commission be scheduled for June 9 - 10 Riverside.

## UPDATE ON SB 2080 IMPLEMENTATION PLAN

Marty Mercado read the Progress Report on SB 2080 received from Sandi Grout, Project Manager, Bureau of Criminal Statistics and Special Services, who was unable to be present.

During the first two months of 1985, Bureau of Criminal Statistics and Special Services (BCS/SS) staff assigned to the Racial, Ethnic, and Religious Crimes Project (SB 2080) concentrated on reviewing reference materials at the local, state, and national levels on racial, ethnic, and religious crimes and soliciting law enforcement agencies for participation in the pilot project.

Tentative commitments have been received from eight agencies, six of which will be selected to participate in the project:

- |                               |                                   |
|-------------------------------|-----------------------------------|
| . Compton Police Department   | . Sacramento Police Department    |
| . Fresno Sheriff's Department | . Sacramento Sheriff's Department |
| . Inglewood Police Department | . San Jose Police Department      |
| . Oakland Police Department   | . Riverside Police Department     |

Both the Sacramento Police Department and the Sacramento Sheriff's Office have expressed interest in participating in the project.

Staff is in the process of developing uniform guidelines and definitions for use by participating agencies in identifying such crimes. This activity, which was scheduled for completion by February 15, 1985, is currently approximately one month behind schedule because of delays encountered in hiring project staff. However, it is not anticipated that this delay will affect scheduled completion of the pilot project by November 15, 1985. The proposed guidelines and definitions will be provided to the Commission for review upon completion.

Commissioner Lytle asked if the tentative commitments by the law enforcement agencies were from management to participate in the program or from representatives of rank and file. Mercado responded that they were probably from management.

Commissioner Lytle stated that she hoped there would be an attempt to make contact with representatives of rank and file officers because they are the ones who actually have to put the statistics together, and it is important to get their support.

Msgr. Barry asked whether there would be an opportunity to respond to the proposed guidelines so they do not become final without the Commission's input. Mercado stated that the proposed guidelines would be circulated to Commissioners for their comments as soon as they become available.

## **SUBCOMMITTEE REPORTS**

### **Litigation subcommittee:**

Commissioner Lytle gave a summary of the Litigation subcommittee meeting on Sunday. The subcommittee decided that it would focus most of its attention on the SB 2080 pilot project. The Committee feels this is critically important not only in helping to develop a mechanism for a statewide statistical network on violence of this nature, but also because it will assist in identifying a pattern and practice for enforcement of the Ralph Act.

The committee will utilize the resources of the Marin County Human Resources Center. The Commission will ask Center Director Fred Persily to inquire of international, national, and local agencies who would have knowledge of definitions of certain types of ethnic, racial, and minority violence for their definitions. The committee will work on some guidelines of their

own, utilizing whatever information is available from these agencies. The committee will also meet with law enforcement people who worked with the Civil Rights Task Force, and who expressed great interest in working in this area, such as Daniel Ortega from the San Luis Obispo Police Department, Richard Lucero, head of the Sacramento Police Officers Association and others. In addition, the subcommittee will also work on their component of the mid-term report to the Attorney General.

#### Education/Community Relations Subcommittee:

Irma Castro gave the report of the subcommittee meeting. She indicated there was some concern about goals and priorities. The subcommittee did not set goals and priorities primarily because they felt it was important to hear from the other subcommittees before actually deciding on its goals and priorities.

The subcommittee recommends that we should try to conclude the formal commission meetings by 3:00 p.m., and reserve the next hour or hour and a half for recapping and discussion of the information presented to the commission during the meeting as well as the information discussed by the subcommittees in their meetings.

Discussion focussed in three areas: 1) public education or public communication; 2) the state Department of Education and the educational system; and 3) POST Commission training of law enforcement officers.

The first area, public education/communication, which the committee has been exploring - the development of a manual which could be used as a referral resource for service agencies - is off to a slow start. This should include categorization of the Ralph Act and other remedies available to victims, and identification of those entities with jurisdiction that could be used by intermediary sources such as service agencies, human rights agencies, school administrators, teachers, etc. since they are the ones who have contact with people who might have complaints under the Ralph Act.

Another part of the public communication area has been compiling lists of agencies, organizations, etc. within the state to be used as a distribution list for information about the commission.

The third item discussed was the public information bulletin from New Jersey. While the subcommittee thought the bulletin is a good idea, some members felt a general public information handout of this type would have little value and should not have priority over the development of the referral manual.

In the discussion on education, and the role of the Department of Education, it was pointed out that there are two or three different units in that department, including the Office of Intergroup Relations and the Office of School Climate, who are dealing with questions about the types of violence in schools that we are talking about, and that Intergroup has a lot of resources that could be helpful to the others, but that it needs to be directed by the Superintendent.

It was also noted that the State Department of Education is planning two conferences on racial violence in schools.

The Committee feels that training for law enforcement officers is important. However, in terms of POST training, it was noted that uniformity could not be assured at the local level, since it would not be mandated. Therefore, it was felt that it would be better to work directly with law enforcement agencies in encouraging implementation of human relations - community relations training programs.

The subcommittee also discussed how to encourage different counties and cities to establish human relations commissions and how that takes place in these different areas; and the question of violence against undocumented workers that typically doesn't fall under the Ralph Act, that perhaps this is an area that requires special law enforcement because it is not being covered by any state, local or federal jurisdiction. Protection of undocumented workers is a whole new issue.

Commissioner Coleman reported on other issues raised during the meeting which he proposes to move on as an individual member of the committee. He stated he sees that part of the purpose of this commission is to further some of the recommendations that have been made by other commissions such as the Governor's Civil Rights Task Force and the Commission on Personal Privacy that will help decrease incidents of violence against minorities and the lesbian and gay community. He noted that we are somewhat in a primitive stage in development and implementing of recommendations.

Commissioner Coleman said he had enlisted two volunteers to work on two specific projects in this area: one is Diane Christiansen, Community United Against Violence, to work with the Department of Education with respect to three areas of concern: 1) development of a booklet or pamphlet similar to what has been done by the Department of Education in Pennsylvania on demystifying homosexuality myths and stereotypes to give basic information to students, teachers, counselors, etc. In districts such as the Los Angeles School District there is only one teacher in the entire school district who is officially doing anything in this area. At the state level, there are probably only two or three teachers in the entire state that are doing anything on the subject of homosexuality, and since violence against lesbians and gay men is mostly coming from young people, we need to concentrate on this area. Commissioner Coleman said they would also be working with Dr. Burton and others in the department to get something going.

The second area is in respect to EEO policy. Commissioner Coleman said that we can't expect teachers to take a lead role in this area if to do so is to raise suspicion that they may be gay themselves because of their saying something positive about homosexuality. He said that at this point he does not believe EEO policies of the Department or school districts reflect that sexual orientation discrimination is illegal and we need to get the word out on this issue.

The third area is the development of a curriculum guide and a teachers guide to teaching about homosexuality. Commissioner Coleman indicated this is something they want to look at in the Department of Education to see if this is something that could be recommended as a tool.

Commissioner Coleman said another area he will be working on is with the Commission on POST. Woody Tenant, who is the officer in charge of the Psychiatric Division of the San Francisco Police Department, has agreed to assist him in working with the POST Commission on the issue of statewide hiring standards.

Commissioner Coleman pointed out that at the last meeting Ron Allen from POST had said that there is a POST regulation that it is illegal, or not permissible, for local law enforcement agencies to inquire about sexual orientation or sexual behavior in their background investigations for employment purposes. However, that closer examination by staff of their manual shows the regulation is so vaguely worded that these inquiries are discretionary by the appointing authority, and basically there are no standards and these investigations are conducted anyway by local agencies. He indicated we need to deal with this issue in some fashion because there is a lot of violence which comes from law enforcement contacts. We need to deal with the fact that it is okay to be gay if you are a cop.

Commissioner Coleman stated that as an individual member of the committee he will be doing what he can in these areas and thought that it should be brought out now, so that people have some sense that there is something more going on.

In regard to Commissioner Coleman's remarks, Commissioner Lytle said that when she worked with Assemblymen Agnos to develop legislative protection against discrimination based on sexual orientation it became painfully apparent to her that among the population in this country there are very strong, very biased, very negative attitudes shared by a number of people with regard to sexual preference, and that you can't put forth a pamphlet or informational booklet such as Commissioner Coleman described that would satisfy these people because they are against discussing sex in the school and sexual preference. However, there is a large body of people within the population who are probably very confused about the issue, who do not know anything about homosexuality but who would be open to the assertion that children should treat all other children, and all adults should treat all other adults, with respect and dignity no matter what, and that all people should be protected against violence or the threat of violence based on anything that is special to them. She pointed out that if an informational pamphlet is produced that avoids giving people the impression that students are being told that homosexuality is alright, you will get people to accept the need to protect and treat people with dignity and respect if they do not think they are being propagandized.

Commissioner Coleman said he understood this would have to be handled very delicately.

Commissioner Yu passed around samples of various consumer rights pamphlets that the State Bar currently puts out. She said that a number of local banks in the San Francisco area agreed to underwrite the translation in Chinese of

some of the pamphlets for the Asian community but she was not sure if they were to be translated into Spanish or not. She stated that there was some precedent for corporate or outside funding for producing these pamphlets which might be a way to produce pamphlets on racial, ethnic, religious, and minority violence information to make these available to communities who may not have access to this information. She said these are the kinds of things we might be able to produce in a format that is easy to put together and easy to read, especially if we are able to track some outside funding to help translate them into various languages. These would include things like "What should I do if I am the victim of a religiously motivated or racially motivated crime"; "Do I have any special rights"; etc. This would be an opportunity to tell them about the Ralph Civil Rights Act, and would be a way to inform lawyers about that, also.

Commissioner Castro said it was a good suggestion. She noted that the subcommittee's discussion was that having a pamphlet to go directly to the community was desirable, however, the cost of producing hundreds of thousands of these pamphlets would be prohibitive and something which the state obviously isn't prepared to do, so we need to determine if that is the reasonable way to proceed; most of the time people do not go to a pamphlet to find out how to deal with a problem, they go to a person, so that is the area the committee wants to focus on first. Persons who work with these problems have to be able to know how to file a complaint; how to work with the system.

Commissioner Yu stated she hoped the committee would not abandon the idea of a public brochure, however. She noted that while it is not practical to distribute them to all of the hundreds of thousands of people who might be affected, some effort should be made to make them available where people could have access to them, and the Commission should research this. She indicated that she would do everything possible to see if we could get them underwritten by banks or private corporations.

Marty Mercado pointed out that some of the brochures produced by the Department of Justice Crime Prevention Center, are being translated, and passed out some examples. She said that if the Commission feels this is a suggestion that they wish to pursue, it should be considered as a recommendation to the Attorney General for his consideration as to priority depending on funding.

#### Legislative Subcommittee:

Commissioner Yu reported on the Legislative subcommittee meeting. The subcommittee feels that the civil rights remedies now available are not being used. There is also some feeling that there should be more criminal laws directed specifically to deprivation of civil rights. However, the committee feels that it does not have enough information to make specific legislative recommendations in these areas, particularly in the area of criminal legislation.

Accordingly, the committee decided that it wants to conduct hearings directed specifically at the question of whether the civil and criminal remedies which are already on the books are effective and sufficient. The committee particularly wants to hear from prosecutors, to get their feelings about the advisability of new criminal legislation.

On the civil side, the committee wants to hear from the private bar, especially those attorneys that deal in civil rights areas (e.g., ACLU, MALDEF, NAACP), to find out why the Ralph Civil Rights Act is not being used, how it can be strengthened, etc. The committee is recommending that public hearings be held - one in southern California and one in northern California.

#### **SAN FRANCISCO HUMAN RELATIONS COMMISSION**

Msgr. Barry noted that Grant Mickens, Director of the San Francisco Human Relations Commission, was unable to attend the meeting but had submitted a report which would be distributed to the members. (Appendix I)

#### **OFFICE OF INTERGROUP RELATIONS**

Msgr. Barry noted that at the meeting in San Diego there were some questions on the presentation on Hands-Across-Campus Program and the Commission had requested Dr. Reuben Burton, Office of Intergroup Relations, Dept. of Education, be invited to this meeting for follow-up.

Dr. Burton noted that the Commission had asked him to address the question of how to implement the Hands-Across-Campus Program statewide. He said there is no doubt that the Hands-Across-Campus program is an excellent program. He said he had met with Dr. Brickman, who had made the presentation to the Commission in San Diego, to develop ways in which the Intergroup Office could make that program known to other districts in the state. Dr. Burton stated that there are also other programs like Hands-Across-Campus, that deal in the area of improving human relations in the schools.

Dr. Burton said that while there is no doubt that there is a level of commitment from the State Superintendent of Public Instruction in this area, he feels there is a problem in transmitting this commitment to those people in the department who have responsibility for carrying out these programs. Dr. Burton stated his concern for a long time has been that there are excellent successful programs which have been developed, but they seem to die or to be centered in one place, and other districts are busy trying to develop such programs starting from ground zero, not aware that there already are such programs in the state.

Dr. Burton said his recommendation would be that the Commission should meet with State Superintendent Bill Honig, to make him aware of the Commission's concerns. He indicated that knowing how the Superintendent operates, one of the things he would ask for would be a plan on how these programs can be implemented in school districts statewide. He indicated he would be willing to work with the Commission on developing that plan, or that if the Superintendent established a task force or committee to develop such a plan he would work with them. He pointed out that it is a doable thing, it just needs some direction from the Superintendent that he wants it done and that he indicate his commitment to those people who have the responsibility for implementing the plan.

MOTION: Commissioner Kasoy made a motion seconded by Dr. Russell, that the Commission write a letter to Dr. Honig expressing to him the Commission's strong interest in augmenting the curriculum of the state public schools to deal with the subject of human relations sensitivity training, and invite him to attend the next commission meeting to discuss the feasibility of implementing some form of statewide program designed to deal with this subject at least at the high school level.

Commissioner Lytle stated that with respect to the suggestion by Dr. Burton that the Superintendent solicit information from the Commission on how the program could be made available in the school districts, she did not feel the Commission is qualified to do that. She pointed out that she knew very little about the administrative intricacies and jurisdiction of the Department of Education, and therefore would recommend an amendment to the motion that the letter simply include the suggestion that the Superintendent consider absorbing a program, such as Hands-Across-Campus, within the Department of Education and make that program available to local school districts, and append incentives that would encourage school districts, if possible, to take advantage of the program. Commissioner Kasoy accepted the amendment.

AMENDED MOTION: Msgr. Barry reiterated the motion that the Commission write to Dr. Honig expressing the Commission's view that there is value in expanding the curriculum to include human relations training, and that the Superintendent consider adopting a program, such as Hands Across the Campus, with appropriate incentives that would encourage school districts to take advantage of such a program. The motion carried.

Commissioner Kasoy added that Dr. Burton made the point that Hands-Across-Campus is not the only program of this type and that there are a number of others which his office is familiar with. He suggested this information should be presented to Dr. Honig for his consideration in determining the feasibility of such a program. He also suggested asking Dr. Honig if he has any recommendations for legislation which would assist him in accomplishing this.

MOTION: Commissioner Yu made a motion seconded by Commissioner Lytle that the commission recommend to the Attorney General that brochures be developed that would acquaint victims of RERMV crimes of their basics rights and the procedures for reporting these crimes, and that if feasible these be translated into other languages. The motion carried.

Commissioner Yu suggested if this is approved, details such as distribution, sources of funding, etc. could be decided at that time.

#### **CALIFORNIA ASSOCIATION OF HUMAN RELATIONS ORGANIZATIONS**

A presentation on the California Association of Human Relations Organizations (CAHRO) was made by Jim McEntee, President. (see Appendix II)

CAHRO has been in existence for about 12 years and represents human relations commissions both in northern and southern California.

Mr. McEntee announced that CAHRO will hold its annual statewide conference on May 30, 31, and June 1 in San Francisco, and that information would be sent to the Commission with details, and hoped that members would be able to participate.

Mr. McEntee addressed three areas of concern relating to Racial, Ethnic, Religious, and Minority Violence: 1) anti-asian violence and discrimination especially affecting southeast Asian refugees. He stated that CAHRO would be happy to meet with the Commission to develop a plan to deal with this problem; 2) religious prejudice and bias against gays and lesbians; 3) problems of the homeless. Mr. McEntee stated that a housing policy is needed to tie down responsibility for the homeless. He asked if the Commission could help to develop this.

Mr. McEntee pointed out that one of the most effective ways of addressing these problems is through human relations commissions. He said there should be human relations commissions in every county in the state and in some larger cities.

He requested that the RERMV Commission work with CAHRO and other commissions in the state to develop realistic and sufficiently funded state legislation to allow human relations commissions to perform their important work in the community.

Commissioner Saito said that human relations commissions throughout the state are operating mostly with skeleton crews, because of the diminishing of funding. He noted that maybe some of the problems we are experiencing right now would not be with us if we had a larger executive human relations network in the state.

MOTION: Commissioner Saito made a motion seconded by Commissioner Yu that the commission go on record to support Mr. McEntee's recommendation, that it endorses and encourages the establishment of human relations commissions and the development of a network throughout the state.

Commissioner Russell said she felt that there is more needed than just a recommendation; that this commission ought to go on record as providing some avenue through which we can act rather than react, that there ought to be more than just a resolution or a letter written to somebody.

Commissioner Yu said she agreed it would be much more effective if we could develop some kind of technique for action and approval. However, she said she understood Mr. McEntee was calling for an endorsement from this Commission in terms of the principle of having a broader and stronger network of human rights commissions set up in the state.

Mr. McEntee affirmed her understanding. He said they would like to see commissions in each area, and also that they work together in a network-type situation. He said he would appreciate a resolution to that effect so they could go back and propose some ideas through staff on how to carry this out.

Commissioner Mack stated he fully concurred with Dr. Russell's viewpoint. However, in view of Mr. McEntee's suggestion to work with staff to come up with some proposals, since this would have financial as well as legislative implications, suggested that the legislation subcommittee may need to take a look at this to recommend specific legislation. He stated that perhaps we need to develop a strategy for the most effective means of influencing the reordering of some priorities by officials at the local level who have the ultimate responsibility.

MOTION: Commissioner Yu suggested an amendment to the motion indicating that that this commission supports creation of human relations commissions throughout the state, and that this issue be referred to the legislation subcommittee with the recommendation that they meet with Mr. McEntee and representatives of other organizations to develop strategies such as legislation or local ordinance and proposals to implement them.

Msgr. Barry noted that even though legislation is introduced and passed, there is still the possibility that it will be vetoed by the Governor, and that planning and a strategy to assure it will end up being approved is very important.

Mr. McEntee pointed out another problem is that often when legislation is introduced it starts out very positive, but because of opposition, it gets amended, and you end up with a very weak bill because of restrictions which may be added.

#### **U.S. DEPARTMENT OF JUSTICE COMMUNITY RELATIONS SERVICE**

Julian Klugman, Regional Director, gave an overview of the role and activities of the U.S. Department of Justice Community Relations Service.

Mr. Klugman stated it would be highly desirable for the state to provide aid for local human relations commissions in whatever form possible. He also noted that the Attorney General is working on the development of a standardized system for reporting instances of violence or intimidation of a racial or ethnic nature. He said implementation of such a system would certainly be highly desirable. He stated he would be pleased to cooperate in any way possible with this Commission.

Commissioner Avila stated that the litigation subcommittee had discussed the possibility of asking other agencies who have definitions of what they term as minority violence and asked if the Community Relations Service has any kind of national overview of the various efforts by other states that could assist the commission with various specifics.

Mr. Klugman responded that they did, and that he had provided a lot of material for the Commission, and would be glad to provide the committee with more specifics. Mr. Klugman said that they are having a training session in May with people from Washington and could make arrangements to have them talk to members first hand. Commissioner Yu stated that would be helpful.

#### **COMMUNITIES UNITED AGAINST VIOLENCE**

Diane Christiansen, Executive Director of Communities United Against Violence, gave a presentation on activities of that agency and problems of anti-gay violence. She introduced co-worker Randy Shaw.

CUAV was funded in 1979 to deal with what appears to be an increase in violence against members of the gay community. CUAV provides victim services and advocacy for victims, and prevention service in the community which includes developing neighborhood strategies to deal with threats of violence. It also provides education service within the S.F. School District that talks about the myths of being gay and tries to break down some of the stereotypes.

She noted there are a number of problems with violence in the gay community which is easily identified as anti-gay violence, which is one component. Another is the gay community and the local police department, the public protection agencies; and the problem with anti sexual minority oriented youths. CUAV has been taking statistics on this type of violence since 1979 and found consistently that 40 to 50% of the assaults against gay people are committed by youth. They found that the vast majority of assaults are committed by groups of people against one or two individuals. Thirty-five to 50% of the incidents included the use of weapons. On Halloween, within a two block area, CUAV monitors helped the police confiscate at least 30 weapons which included knives, guns, baseball bats, canes. Forty percent of the victims of anti-gay violence require some form of hospital care. Thirty percent of those that require hospital care require surgery.

Ms. Christiansen said the problems with the police department appear to come about because of anti-gay laws; laws that say sodomy is illegal. Currently in the U.S. 23 states have sodomy laws, California no longer does. Every state has had a history of sodomy laws, and that history has created an aggravated situation between the police department and the gay community. That, combined with the social bigotry of the general community against the gay community has resulted in allegations of police misconduct and brutality. She cited examples where gay persons are picked up on a charge and held but never formally booked or arrested, and where gays have been beaten by some youth who were not arrested because the police chose to ignore the incident. She said that some positive steps have been developed to alleviate this situation, but it does continue in some form.

Ms. Christiansen pointed out that there is also a problem with hustlers and runaways. This is a problem that CUAV doesn't deal with normally because they have not been able to get the type of funds needed to have any type of impact at all. What happens is that runaways and street hustlers are looked at in the criminal justice system as the committers of crime. Runaways are

hesitant to report crimes against them because obviously they are going to be picked up and feel threatened about going to the institutions, this is a problem that is not being dealt with in our communities.

Commissioner Coleman noted that an item later in the agenda is a proposal to create a San Diego Human Relations Commission and that a decision has been made to exclude sexual orientation from the ordinance. He said he is concerned about the creation of a commission on a local level that specifically seems to exclude gays from its jurisdiction. He asked Ms. Christiansen, from the gay perspective, if it is better to have a commission that doesn't include gays specifically, or should the decision be made that we can't support it? He said he is concerned that such an ordinance could trigger more violence against gays because you have created an agency with an official policy that says gays are not entitled to human rights protection, and the message that will signal. He asked if it is worth a trade off to get the commission created. Ms. Christiansen responded there is a problem that if you do not support it, that you are going to be setting up minority group against minority group, and she did not think that is the way to go.

Marty Mercado suggested it might be helpful to the discussion to read the letter from Supervisor Williams requesting the endorsement and read that portion of the letter as follows: "...The commission which I propose does not create any "rights" for individuals or groups but declares that "injustices and inequities resulting from prejudice, intolerance and discrimination against individuals or groups promotes tension and conflict and constitute a threat to the public safety and welfare."

Commissioner Castro said the steering committee included a whole variety of groups, including the gay and lesbian community, and there was a lot of concern about the exclusion. Coleman asked Ms. Christiansen if she felt the Commission should support the creation of the county commission with this exclusion. Ms. Christiansen responded that there should be a stipulation that in approving the exclusion, that supporters would try to get sexual orientation included at a later date.

#### **PRESENTATION BY HANNAH STEVENSON, INDEPENDENT LIVING RESOURCE CENTER, S.F.**

Ms. Stevenson said the Independent Living Resource Center is an agency that provides various services for people with disabilities, including financial benefits counseling, physical therapy, and the S. F. branch is part of a network of centers throughout California.

Ms. Stevenson said she teaches classes in self-defense for women and disabled persons and noted that one in three persons in her classes is disabled. She said that while she did not have any hard statistics, and was speaking from her experience in the self-defense classes, the ratio of disabled victims of violence is about 1 to 3. She said that persons with physical disabilities are victims of violence, and these people already feel like they are victims, so when they become victims of violence they feel very violated.

Ms. Stevenson said there is a concern by disabled persons at the kind of treatment they receive by law enforcement. She pointed out, for example, a case where a disabled person's car was vandalized and packages stolen, and that it was two hours before a police officer arrived at the scene. She said that while this may not be an emergency case when the victim is not disabled, some priority should be given by enforcement officers to crimes against disabled persons.

Commissioner Coleman asked if people really pick on disabled people to victimize because they are disabled, or are they just victims like everybody else? Ms. Stevenson pointed out that her response was based on suppositions, because no one can really say except the perpetrator, but that disabled persons feel like they are being singled out, and that intimidation of disabled persons seems to be much greater.

Commissioner Lytle stated the question is unanswerable; moreover it is irrelevant. She pointed out that the issue in providing protective legislation for any special group, the disabled included, is the moral culpability of the defendant and the vulnerability of the victims for purposes of providing protection and appropriate police procedures. So whether they get picked on more is irrelevant. The issue is, as a victim are they entitled to special services from the police, and from the legislature in terms of sentence enhancement.

Further she said the question is irregular, because we devise special protective legislation for children not because they get picked on more, we don't know if they do or not, but because they are a more vulnerable group. People in positions of trust are in a position to do them more harm, so special attacks on children are punished more severely because of that. The real issue is do disabled persons need special protection.

#### **MEETING WITH LAW ENFORCEMENT REPRESENTATIVES**

The meeting broke for lunch at this point and members met with representatives of law enforcement agencies on problems of enforcement of the Ralph Civil Rights Act.

Enforcement Officers present were:

John Ream, Deputy Chief of Police, Oakland Police Department;  
Owen McGuigan, Chief, San Carlos Police Department, representing the California Police Chiefs Association;  
Glen Craig, Director, Dept. of Justice, Division of Law Enforcement, also representing the California Peace Officers Association;  
Bud Cook, Sheriff, Monterey County, President, California Sheriff's Association;  
Joe Lordan, Deputy Chief, San Francisco Police Department;  
Alexander Stevens, San Francisco PD;  
Woodrow Tenant, San Francisco PD Psychiatric Unit;  
Forrest Fulton, San Francisco PD Psychiatric Unit;  
Keith Boyer, representing Sheriff Dwyer, Alameda County;

Commissioner Lytle welcomed those present and gave a historical perspective on the Commission, its creation and mandate. She indicated that the Legislative subcommittee is planning a series of hearings to secure comments and assistance from other community groups with respect to legislation dealing with RERMV crimes. She said it is critically important that the Commission in developing recommendations to the Attorney General speak to members of local law enforcement agencies to get their input based on their experience in the field.

The Commissioners introduced themselves and their background and experience for the benefit of those present.

Sheriff Bud Cook, President of the California State Sheriff's Association, stated he was present to learn and get information for the Association and would be glad to answer any questions.

Glen Craig, Director of the Division of Law Enforcement, State Department of Justice, explained that under SB 2080, passed last year, the Department has been charged to set up a pilot project to collect and compile data on the extent of racial, ethnic, religious, minority violence. He said that six agencies would participate in the pilot project. Director Craig said they are looking for recommendations from law enforcement on the best way to collect that information and to get some factual data to make a determination to what extent the problem is occurring.

Commissioner Lytle explained that the Ralph Civil Rights Act gives the Attorney General authority to file a "pattern and practice" suit which means that if there appears to be a systematic use of violence against an identifiable group, then the Attorney General can mobilize his office. SB 2080 would provide the AG with the information to enable him to determine whether or not there is "pattern and practice". She noted that at present there is no statistical network either on a statewide or local basis which would provide this information, nor are there guidelines or definitions that would enable local law enforcement officers to identify cases which constitute racial or minority violence.

Commissioner Yu asked if the officers were aware of Ralph Act type claims. Deputy Chief Ream said Oakland had participated in the study done last year and they had submitted their report to the Attorney General's Office. Director Craig said they had collected reports from three different departments and what they found is there are very little standard processes for what constitutes racial or ethnic violence to begin with. There was not a common definition or application between departments. They also found that there is little or no mechanism among other law enforcement agencies to allow for collection of the information. He said he is not sure how anybody knows whether racial and minority violence is increasing because we have not kept statistics to know what the level was and what it is today. We know it is there, but to what extent, and how it compares we really can't say.

Deputy Chief Ream asked if there is a definition of what we are looking for. Commissioner Yu said that one of the goals is to come up with a standard definition of RERMV crimes. Deputy Chief Ream said he hears the term

racial, ethnic, religious and various different terms, and then he hears a general term of incidents, and he is not sure which ones we are really looking at.

Commissioner Lytle said this was an important point. She pointed out that we have to understand that white people are an ethnic group so when you talk about a crime that has been termed as an ethnic violence, you are concerned about violence perpetrated against white people because they are white. When you talk about minority violence you are talking about essentially violence that has been generated against a group that has specifically identifiable characteristics common to that group, either disabled, elderly, or persons with a certain sexual preference. However, one must be wary of classifying as racially or ethnically motivated incidents of violence directed by a black person against a white person. If a black armed robber robs a white person, that is not a racial incident, that is robbery.

Deputy Chief Ream used an example of a local concert with predominantly black spectators and three white people go into that concert and they are singled out and attacked; you can make a case that because they are white they were attacked. He asked if the Commission is interested in those incidents or just interested in the protected class of minority.

Commissioner Lytle stated that white people are a protected class under every civil rights law she is aware of. So, in that situation it could be a racial incident. However, whether or not it is depends on whether or not they were attacked because they were white; you would have to examine all the surrounding circumstances of the attack.

Commissioner Yu said that it is obvious from the composition of the Commission that the thrust may be to protect previously unprotected groups, but she did not think we could unilaterally exclude those cases. The problem is to develop some kind of feasible definition that would make sense to the officers, and that there is a system for consistency in the reports. She said that is why the Commission would like law enforcement involved in the process. She said otherwise the Commission could develop a wonderful definition which could be totally unworkable.

Deputy Chief Ream said it is a very subjective thing. He said they could pull out their reports and have somebody review them to make a determination, but he did not think they could make every officer an expert in this area; but that they certainly could pull out those reports and have somebody else review them to see if they fall into that category.

Deputy Chief Lordan said that in San Francisco, like every other community, they have these problems, and they have cases that would fall under the Ralph Act. In his view, he said the problem is in determining which cases are motivated by prejudice. Absent any verbal or written communication it becomes very subjective, and for someone to sit down and make that determination is going to be very difficult.

Dr. Russell asked if certain kinds of cases are prioritized and what criteria are used. Deputy Chief Lordan responded that certain cases are given more priority depending on the seriousness of the offense, and that is

probably the most important thing, but there are other aspects that come into it, but, for instance, a murder is certainly going to get high priority.

Director Craig said that generally crimes against persons get a higher priority than crimes against property, and that is pretty consistent throughout all law enforcement agencies.

Commissioner Mack asked if it was possible that they could cooperate to jointly arrive at some kind of guidelines or definitions, and asked what would be the best way to arrive at some kind of mutually agreeable definition and procedure or process that would be workable. Director Craig said the department is going to have some recommendations within a month which could be a way to get input for refinement.

Commissioner Coleman pointed out that one way to make a determination might be to ask the perception of the victim as to whether an incident is racially motivated, and if they indicate that it is, to ask if there is evidence to corroborate the victims perception. He said those are two areas that really need to be looked into in the interrogation of the victims. He pointed out that there is an incentive for law enforcement when making out a report to identify if there is racial motivation because it could lead to sentence enhancement.

Commissioner Yu asked if it would be helpful to the officers if a digest of some racial, ethnic, religious and minority violence that we are currently aware of, such as the Vincent Chinn case which gained national attention, were developed as a guide to law enforcement. Deputy Chief Ream said it would be helpful to use as a starting point.

Commissioner Yu asked if there were evidence to corroborate possible racial ethnic motivation if that would add importance to a case, and enhance their motivation to do a more thorough job so they could make recommendations to the DA's office. It was pointed out that what causes cases to get great attention with the media, the courts, or the prosecutors is the seriousness of the offense, not the other things involved.

Commissioner Kasoy pointed out that the Ralph Civil Rights Act provides for civil remedies and it is not a criminal statute, so that talk about law enforcement enforcing the laws against bigotry and violence and whether or not those civil remedies are adequate is somewhat off the mark, because this is not in their area of expertise. However, he pointed out that the Ralph Act also authorizes the Attorney General to step in and take action when there has been a pattern and practice. But in order to be able to establish a pattern or practice, we have to have the statistical data, and that is in their area of expertise.

Kasoy pointed out that law enforcement officers had been invited to the meeting to ask what is being done to collect the statistical data, recognizing that it is an extremely difficult job to come up with definitions. He noted this is adding another burden on the officers who have all kinds of other burdens to deal with, but somebody has to collect the data, and that burden had been

laid on them. He said the commission was seeking their views on how it could help ease that burden, and on whether or not there is additional legislation needed which might be helpful to law enforcement such as more severe penalties for crimes motivated by prejudice - would that be helpful, or more burdensome?

Deputy Chief Ream said he did not think any more laws are needed. He said he thinks the laws are adequate, but what about crime prevention, and citizens helping law enforcement. He said enforcement agencies need the help of the community to report the crimes so they can do something about them, and cooperation afterwards by being prosecution witnesses. So as far as more laws are concerned, the answer is no. As far as collection of statistics on these kinds of offenses, he said they would do their best, and perhaps the Department of Justice could add it as part of their mandatory reporting process.

Commissioner Lytle said she would like to add the clarification that when we talk about rank and file law enforcement people helping us collect data we are not just talking about a willingness on the part of police management to institute this practice, but we are also talking about being able to train law enforcement officers in whatever guidelines and definitions are developed, not only in the mechanics of developing the statistics, but also in areas of perception of differing values. She cited as an example a case where an offense may be serious to law enforcement but more serious to a citizen; e.g., if someone is trying to set fire to a black family's home where there are small children and the property damage is minimal and no lives were threatened, under the standard police definition this would not be a serious offense, it would be treated as malicious mischief.

Chief Lordan said he wanted to clarify that in his department that offense would rank very high, and that his people were sensitive enough to know that that is a very serious crime. Commissioner Lytle responded that she had just used that as an example, but that the Governor's Task Force on Civil Rights had found that it is not uniformly true that this would be treated as a serious crime, and that people have different perceptions of what constitutes a serious offense.

Officer Tenant said there needs to be something that benefits the line officers for going to the trouble of identifying the motivation in these crimes, not simply because it helps statistically, or because the chief says so.

Commissioner Lytle stressed that the point she was trying to make is that the Commission needs law enforcement to not only develop the mechanics of a statistical network, but to inform law enforcement agencies of the significance of the mechanism that already exists to deal with racial violence, namely the Ralph Act.

Director Craig said in response to Commissioner Kassoy's question as to whether laws calling for more stringent penalties would help or hinder law enforcement, that he was skeptical that enhanced penalties were necessary

and would depend on whether or not you believe more stringent penalties help deter these acts. He said more stringent penalties would not necessarily make law enforcement's job easier, because normally you add an additional burden of proof that is necessary to get the enhancement and which may in fact require more work. He said law enforcement is not unwilling to do the extra work if it is going to be a deterrent and will cut down the number of acts that they are going to have to investigate.

Officer Tenant pointed out that he and his partner were the only patrolmen present and wanted to comment on some of the problems from his experience on the Mayor's Task Force for the mentally ill trying to gather information on crimes committed by psychiatric people. He said this turned out to be an enormously difficult task because there was no conception by law enforcement that this is a separate category of people that needed watching; and there is no category on the report form to check if the person is black, white or psychotic. There was no procedure nor communicated system to pull any of these reports and they ended up spending a lot of their own time setting up a system.

Officer Tenant said he can see the same sort of thing happening here, where you have one side saying this is really critical and important information, and the law enforcement side not having the vaguest idea of how to go about getting it and seeing this tedious amount of work ahead of them. He pointed out that first of all you need to have something that very clearly allows the department to designate someone to spend the time to do it; and secondly, it is quite simple to develop an objective operational definition of what this is. He said you can generate the information very simply by making police aware that it is an area of interest and why it is important, and how the information can help to make their job easier either through sentence enhancement or through some recognition of crime patterns, etc.

Tenant said police are very tired of being the object of the study when the study is supposed to be between the victim and the assailant. He said you need to have people like this commission and others with similar purposes who can go beyond a typical police problem phobia and begin looking at the specific problem. Before a good working relationship can be started with the police, Tenant said, there must be a recognition that the average patrol person does not want anyone to suffer unnecessarily and there must also be an awareness that, for the most part, police officers operate very professionally. They do not want to be tainted by those police who do not act accordingly. Tenant suggested that the officers would not only be willing to take down information but that it would help to break the monotony of routine reporting, and the officers would be enthusiastic about reporting the information if they think it is going to be of use to them and not just the particular group or bureaucracy.

Commissioner Kassoy inquired if Tenant was suggesting that statistical gathering done by the police department must be tailored to make the officers lives easier.

Tenant responded that this was certainly the case in SF. The police officers simply have a much better feel for why assault occurs than the group who is paid by the city to collect information. Tenant outlined that what needs to be done is to assign someone to spend time on the issue within the department and that the objectives of the operation and what it would entail must be established. As a member of the teaching establishment at the Police Academy, Tenant said he feels that it is possible to bring about this type of reporting by encouraging patrol officers to collect this sort of information.

Trish Donahue followed up on the point of selling the programs to patrol officers. She said that at the request of the Bureau of Criminal Statistics, they had collected information on programs in other parts of the country. They found that the people in Baltimore, Maryland had the most success. She said that they sold their program by pointing out that violence motivated by prejudice is not the kind of violence that simply happens, but that it can generate an ever-escalating pattern of violence in communities. All the other departments she talked to used some variation of that selling point somewhere along the line. She added that Baltimore's program was most effective when it had the cooperation of line officers.

Commissioner Castro said that there should be some in-service training for patrol officers that deals extensively with intergroup relations. At times the perception of the patrol officer is very different from the perceptions of the people in the community. Not only should we look at crimes that have some racial or minority motivation, Castro said, but also at the perceptions of the patrol officer of the community and the community's perception of the officers that would ultimately be crucial in the collection of statistical information.

Deputy Chief Lordan said he feels the root of the problem is that the San Diego Police Force and others like it are terribly underpaid. He also commented that the effect of instituting a statistical measure may affect other facets of police work.

Commissioner Lytle addressed the issue of motivation and the advantages of people helping with the development of a statistical network. She pointed out that the advantage lies in the point that private citizens abdicated their responsibility and have delegated too much responsibility to the police for dealing with problems too complicated for a single police handbook. One advantage of the police in developing this network, Commissioner Lytle continued, is that it will provide a civil authority with the tools for dealing with this kind of violence. It would reduce pressure on the police agencies, particularly since these situations raise a multitude of racial, ethnic, religious and other difficult questions that are difficult for the patrol officer to process for the system.

Commissioner Lytle stated that there should not be an emphasis on training police management and rank and file in police techniques or training them on how to check a certain box on a form, but rather that they should be trained to recognize this kind of violence and the importance of this kind of violence to the victim.

An officer contended that training should be included in the POST program, and agreed with Officer Tenant that it is important to sell the police officer that is going to go out and make the police report on the idea.

Another officer asserted that certain mechanisms are already in place to ease gathering of statistical information. He said that DOJ started a program collecting data on missing children, and in his opinion, a similar format could be used to record RERMV crimes.

Commissioner Yu asked if they would be willing to share with the Commission whatever new reporting techniques are founded and developed. Commissioner Lytle said that there was also a need for their assistance in approaching POST, because it is a highly unique entity and that it would be extremely difficult for members of the commission to make a presentation to them on that kind of training that would be responsive to the kind of format they use in their training.

Commissioner Yu added that if any of those present would be interested in meeting with the commissioners the members would be willing to work with them and would certainly appreciate their cooperation and support.

Commissioner Mack said that he for one feels that the proposed POST training in this area is of paramount importance and should be utilized by law enforcement agencies throughout the state of California without exception.

Deputy Chief Ream reminded the Commission that there are different levels of training. If the recommendation is to include the program in the basic training there is a problem because this particular training is practical to the area and not standardized in POST. Here, Ream stressed that different courses will be taught in individual academies and training institutions and the Commission will need to seek a method that would provide some kind of uniformity in the particular message that is to be disseminated through this program.

Director Craig agreed, adding that the program would have to be included in the basic material covered by the academy in order to reach all law enforcement officers.

Commissioner Mack expressed concern over gaps and inconsistencies that would emerge from training in such a system where certain academies would tend to be more sophisticated and advanced than others.

An officer responded that if this subject matter is instituted in the basic training course that it would be geared to people who are in training as recruits, and would not necessarily cover the veteran officers who are already out on the street. That would have to be done in separate training sessions, and there is a significant amount of discretion on the part of the police academies whether the officers would get back into that type of training.

Owen McGuigan  
Deputy Chief Ream said, that the commission would find a great deal of resistance on the part of many administrators in the state to the addition

of more mandated training. He said they know there are problems of racial, ethnic, religious, domestic and other violence, but that there will be tremendous resistance to additional training. It will cost the police establishment a good deal of time and money throughout the State. Every time an issue comes along, there is a request for more training and it further burdens the already overburdened academy. Police administrators become very concerned because more mandated training, results in less time they have on the streets.

Commissioner Russell asked the officers how much human relations training exists in their departments? She said that if the police establishment did not want outside people telling them what to do then they should think about these sort of things within their own group.

Chief Lordan responded that he is all for human relations training, but that he was confused as to whether the discussion was about training for collection of data, or about human relations training for police officers. He said that if it is about how to collect data it would be a simple and short thing to address.

Commissioner Lytle stated that the issue being addressed is training of officers to collect this information but in terms of motivation. She said that that police officers being human are going to wonder why they have to go to all the additional work. In all fairness the patrol person must be told why they are being asked to do this and that is where training comes in. Motivation is severely restricted when police officers are expected to function blindly, and that is the main concern.

An officer noted the discussion appeared to be on different issues - collection of information, getting the statistics, shifting police so that they are not always assigned to high-crime, usually minority areas, to the sensitivity of the police in dealing with the public. He said these are different kinds of training.

Commissioner Yu said that the thrust of the meeting is to find out how to put more teeth into the Ralph Act to be sure there are more prosecutions and actions brought under it. She said that a statistical network will help a lot, but asked if there is something beyond that that can be done relatively quickly by improving their reporting form or instructing their officers to ask questions which would help identify these incidents.

Deputy Chief Ream felt that first you need to know what you want reported and then it is the administrator's job to create the motivation. One officer commented that each department is going to have to determine on its own how it will collect the data. It was pointed out that there would need to be some uniformity in how to identify RERMV crimes. There was also some discussion on who would collect the data; i.e., individual officers, victims of violence officers, records people, etc.

Commissioner Yu asked if there were at least two officers who would be interested in working with the litigation subcommittee on the definitions so that the law enforcement sector would have input in a working draft document on the kind of definition we are talking about.

Director Craig suggested that since the Department is currently working on a proposed definition, which they would provide to the Commission in about 30 days, that the Commission could send it law enforcement representatives for their comment and if necessary they could again meet with the group for further input.

#### **PRESENTATION BY HENRY DER, EXECUTIVE DIRECTOR, CHINESE FOR AFFIRMATIVE ACTION**

Henry Der, Executive Director, Chinese for Affirmative Action made a presentation on racial violence and the perceptions of the Asian American community.

Der stated that during the last three years there have been eruptions of well-publicized racial incidents which have surfaced in rural communities as well as in affluent and not so affluent metropolitan areas. He said there is a perception within Asian communities that Asian-Americans have become a larger target of racial violence. He pointed out that according to the 1980 census 6% of the total population is foreign born, but if we look at the different Asian groups these figures are astronomical: 90% of all Vietnamese in this country are foreign born; 82% of all Koreans; 63% of all Chinese; 65% of all Filipinos, and an average of 69% for all Asians. So people generally fear that Asians are taking over and that foreigners are coming in torrential numbers to this country. Historically, to the extent that there has always been a significant percentage of members of our community who are foreign born, immigrants and refugees are deemed to be more ready victims of racial and physical violence in this country.

Der said that stereotype misperceptions such as the fear that they are taking jobs away from the average white American contribute to this racial violence. He cited unemployment and wage statistics, and noted that while family mean income for Asians is reported to be higher than the average family mean income for even white families, when you look at the average number of contributing workers in the average Asian family in the Bay area the numbers are circumstantially different. On the average, Asians only earn 70% of what an average worker earns.

Der said that one of the factors that has created a tremendous amount of hostility and resentment among the general public is the whole issue of language. With the significant number of foreign born within the Asian community, many members face an English language barrier. He noted an example of what he considers a serious problem of people's perception of language and how they tie it in with foreigners and affirmative action programs that cause widespread resentment toward the minority community. He cited as an example an article in the S.F. Examiner by Bill Mandell in a column called the "Curse of the 1.5 Bilinguals" where he tells the story of a man trying to get through to his banker, and after five or six tries, when he finally does, says that he is glad he finally got through to someone who speaks English, and the banker states he wishes he had an English-speaking secretary, but that only top executives are guaranteed English-speaking secretaries, because of affirmative action.

The author goes on to give examples of others who are having problems with their clerks, etc. lumping everything together as if affirmative action is thrusting these problems onto the private and public sector.

The author then noted in a subsequent column that he had been expecting a torrent of letters in response to his article from people calling him a racist, but that instead he had received a torrent of letters from people cheering him on.

Der noted that among the people who wrote letters to agree with him were teachers - the very people who teach our kids English in our schools. He quoted from a letter sent by a teacher of English who said: "There are far too many foreign teachers, foreign-born teachers hired by the public schools to teach English as a second language to bilingual classes who do not speak intelligible English themselves. How can their students be expected to learn if the teachers themselves do not speak the whole tongue?" He said that that question goes to show that the very people we have entrusted our public education to are the very people that he considers are promoting misunderstandings and significant hostility in the classroom. He said a disturbing and serious problem is the attitudes and opinions held by people who sincerely believe that they don't harbor racial or linguistic animosity.

In terms of frequency, Der said it is clear that given the larger influx of refugees and immigrants during the last five years, that Southeast Asian individuals have become an increasing target of racial and physical violence in the State of California and elsewhere. He said there are many more refugees coming in from China, from rural areas, and who do not speak English, and lack the support that normally other individuals get. Der said there has been an increase in the number of reported incidents and that these cut across all economic and social lines.

Addressing the role and response of local government, Der said that law enforcement and local agencies do not know how to identify incidents which may be racially motivated. He said they tend to feel that there has to be a greater burden of proof before they are convinced if it is a racially-motivated incident. He said that he was not sure that even if the Commission were successful in developing a reasonable reporting mechanism that it would be utilized.

Der also cautioned that minorities should also be very careful of stereotyping other racial and minority groups. He said that one of the findings of the Governor's Task Force was that during times of economic cutbacks and hardship caused by dwindling social programs there seems to be a development of economic, social and political trends that decrease the ability for intergroup harmony among racial groups and precipitate greater animosity and racial differences. He cited an example where substantial numbers of Southeast Asian refugees were successful in applications for public housing opportunities in what historically has been a black neighborhood. This led to a general perception within the black community that Asian refugees were taking over the neighborhood and that they were getting special preference for the housing units. There were incidents where physical harm was done because of this.

In conclusion, Der said that having served on the Governor's Task Force that he would ask the Commission not to reinvent the wheel. That the previous Task Force had come up with some conclusions and findings that hold true today - three years later: that racial and other minority violence is still quite pervasive in many different communities in California; that the level of frustration, alienation and distrust in many minority communities still exists particularly how they are treated by public officials, and how they fear they are being abused by other Americans.

Der said that the current social and economic trend portends greater hostility because of cutbacks in social programs. He said he does not believe that any more legislation to define racial violence or to levy greater penalties on those individuals that perpetrate these crimes, is necessary. Further, he added that he would not recommend that this Commission nor any other entity should propose legislation that would diminish individuals first amendment rights.

Der said that what is needed is a public information brochure, that would in the simplest terms explain to people what they can do and who they can turn to if they are the victims of racial violence. He said that the average citizen does not know the implications and provisions of the Ralph Civil Rights Act - who has the authority to enforce it and what remedies are available. He noted that even among those involved, there is some dispute as to who has jurisdiction in enforcement of the Ralph Act. He said one recommendation of the Governor's Task Force that he would direct the Commission to is that the Office of the Attorney General in conjunction with the Department of Fair Employment and Housing and the Fair Employment and Housing Commission should develop a legal handbook which could be used as a reference and which could be disseminated to government agencies, community groups, and the populace at large.

Commissioner Kassoy inquired of Der if he felt the civil penalties under the Ralph Act provide recourse to someone who knows that it is available as a remedy.

Der responded that it will only be useful to the extent that people who are victims of racial violence feel that they have some kind of recourse and pursue the matter. He said that one factor that discourages reporting of racial incidents more than anything else, is that people feel that there is no law nor law enforcement official to back them up.

Commissioner Kassoy referred to an example used by Der where young people who had been attending a church dance had become involved in what appeared to be a racial incident but the police treated it as just another Friday night incident involving kids with guns. He said that Der had indicated in his closing remarks that no additional laws were needed, yet he asked, is it not precisely because the laws that are on the books draw no distinction between such an incident that is racially motivated and one that is not, that the police did not give greater priority to that investigation? Commissioner Kassoy wondered how this squared with Der's assessment that we do not need any more laws, and questioned whether the laws on the books were truly sufficient.

Der responded that what is important in terms of the investigation is the awareness that it might have been racially motivated, and that members of the community know that something is being done.

Commissioner Mack added that one proposition is to have it written up as a criminal law as opposed to a civil law. Der responded that there are already criminal civil rights violation laws on the books where it states "under conspiracy to deprive" (US Code 251 253), but noted that it is extremely difficult to prove intent. He said that although it sounds like what he is saying is contradictory, this is not the case. He said he feels it is possible to prosecute racial cases without the insertion of new laws.

Commissioner Russell referred to Der's previous statement that minorities themselves can also be accused of being racists, and noted that this is one of the realities of racism and oppression; when one group has been oppressed what happens to it; they in turn will find a scapegoat.

Der said that the point is that one can always suppose what is the cause of a particular incident based on racism and could easily draw the line all the way back to the oppression by whites. However, Der reminded the Commission that one must be careful because even though black, asians, hispanics and other minority communities in a larger sense are oppressed people, that still does not mean they are not invulnerable to racist impulses.

Commissioner Yu asked why California should not have civil rights legislation comparable to federal statutes. She noted it is difficult to get into federal court, that the U.S. Attorneys need to be convinced to go through the very sophisticated screening process to get into the federal courts and get approval to prosecute.

Der said that he would not be opposed to having a comparable statute for California. He added however that he was not sure that this would make it to prosecute such cases because you still have the same standards.

#### **PRESENTATION ON S.F. SENIOR ESCORT OUTREACH PROGRAM**

Director Mark Forrester briefed the Commission on the Senior Escort Outreach Program in San Francisco. He noted that it is interesting that when he has testified at other hearings of this kind, the only minority group that is never discussed is the elderly; apparently they are not considered a minority. He said that most senior citizens are the victims of crimes.

Forrester outlined the problems that confront the elderly in regards to criminal violence. Often the criminal escapes and when he is apprehended, seniors fear testifying, he said. And when they do testify, lawyers question their mental competence to identify people.

Forrester said it is therefore important to prevent attacks upon the elderly. In his opinion support programs like the escort program help. However, he said that these programs are highly susceptible to budget cuts. The only reason the program in SF is still intact, he said, is because it is tied to the San Francisco Police Department's budget.

The Senior Escort program, he said is very successful. The workers are selected from the communities that they work in. Senior citizens of nine neighborhoods sit on a screening panel so they have a say in who they hire. The workers are given a background check and they go through five weeks of training in the police academy which includes CPR and first aid certification. The police department monitors the program at all times and runs crime prevention meetings to make sure the program is kept abreast of techniques and methods.

Commissioner Levy suggested that the SF escort program would be a good program to put into effect in Los Angeles and other parts of the state. She recommended that the Commission go on record that it recommends and encourages other areas of law enforcement to work with similar programs.

Commissioner Coleman suggested that there should be some way of formally communicating this information to Los Angeles as an example of what one particular city is doing for the protection of the elderly, rather than just leaving it as a proposal.

Commissioner Yu suggested that a way to do this might be to adopt a resolution supporting this program as a suggestion, and send it to the county boards of supervisors in the 58 counties. She asked Mr. Forrester if he could provide the Commission with an outline of the program, size of budget and staff, etc.

Commissioner Castro said she was reluctant to recommend a certain kind of program because in certain areas other groups may suffer from similar attacks. Commissioner Levy said that the programs would need to be patterned by each individual community, rather than duplicate exactly the San Francisco program.

Commissioner Yu noted that the Commission has been collecting information about successful programs, and that part of their job is to disseminate the information, not necessarily recommending one program, but rather to pass on the information to police departments, city officials, school boards, etc. about the kinds of successful programs available.

Msgr. Barry thanked Forrester for his presentation and promised to look at the program with an eye toward broadening the way in which it is presented to other communities in order to provide sample programs that might be developed.

#### **FAIR EMPLOYMENT AND HOUSING COMMISSION**

Steve Owyang, executive and legal affairs secretary for the California Fair Employment and Housing Commission made a presentation about the commission's role in enforcing the Ralph Civil Rights Act.

He said that while they are known for enforcement of civil rights laws in terms of employment discrimination under the authority of the Fair Employment and Housing Act few people realize that the Commission and its sister agency, the Department of Fair Employment and Housing, have jurisdiction over the Ralph Act. He said this is not surprising because if you look at the Act they are not mentioned in it.

Owyang said that the Commission is just now prosecuting its first case arising out of violation of the Ralph Act, and it is the first one to his knowledge in five years since the Commission has been in existence. So although the authority is there to prosecute the perpetrators of violence or threat of violence motivated by race, ethnicity, religion and/or sexual orientation, not much has been made of it.

Owyang said it is important to note that the Ralph Act provides for civil remedies. He says it is good that there are criminal laws that are applicable to Ralph Act violations. He said it is important that these civil statutes remain on the books, because burden of proof is much easier to establish in civil cases. He noted that while Henry Der had said that intent is difficult to prove, in some cases it is very easy, and cited examples such as when someone paints a swastika on a synagogue or there is a cross burning on someone's lawn before the commission of a felony; when racial epithets are being screamed at the same time someone is being physically abused, or if you have homophobic comments being made during a gay bashing, it is not very hard to show intent. Since all that needs to be proved in court is on the basis of a "preponderance of the evidence" there should be no problem, Owyang said.

He suggested that the Ralph Act should be amended to clarify that the FEHC and DFEH have jurisdiction over these cases so that these matters can be more expeditiously brought before a reviewing body. It would also be helpful, he said, if the Commission would consider the establishment of a standard list of protected classes.

Owyang also expressed concern over the question of remedies in regards to the prevalence of the judgment proof defendants that are unable to pay the sum imposed by the FEHC or the courts. He said that the penalty should still be imposed even if the defendant cannot pay because it is important that a statement be made against such violations, symbolically at least, in the form of a stiff fine.

Owyang encouraged adoption of a resolution by the Commission advocating the creation of a human relations commission in San Diego. He said that in spite of the question as to enumeration of protected groups, that it is important that good and harmonious relations be encouraged among all groups in San Diego County. He noted that the Fair Employment and Housing Commission also feels it is important to have a human rights commission in San Diego.

Commissioner Kassoy asked if the Fair Employment and Housing Commission is in danger of losing funding. Owyang responded that although they have a fairly small staff consisting of six attorneys and support staff, staff is being cut back by 17% which means they will be losing one attorney. He said this is going to create a problem for them.

Commissioner Yu asked if legislation were proposed clarifying that jurisdiction for enforcement of the Ralph Act is under the Fair Employment and Housing Commission, and more people become aware of it, would they be

capable of handling the additional workload that might be generated. Owyang responded that Commissioner Lytle had pointed out that jurisdiction is there, and that if it were publicized it might result in a higher workload. However, he noted that although there would be an overload in the system much of the burden would fall on the Department of FEH, not the Commission.

MOTION: Commissioner Lytle made a motion, seconded by Commissioner Yu, that the Legislative subcommittee work with the Commission on Fair Employment and Housing to develop an amendment to the existing Ralph and Unruh Acts that makes it clear that the jurisdiction over the Ralph Act does in fact exist.

Commissioner Lytle noted, however, that the Commission should be wary of creating other expressed protected coverage in the Act because expressed provisions of coverage exclude as well as include protected groups.

Referring to the civil remedies under the Ralph Act Commissioner Lytle said the point made by Henry Der that it is important to prosecute even though many perpetrators of this kind of violence will be judgment proof is a good and valid one because the force of law is still there and it shows that this is an action the State of California disapproves of. She noted that the judgment is good for 15 years and a person's economic circumstances may change appreciably during the course of that time.

Manny Medeiros, Deputy Attorney General, expressed concern over the claimant's inability to attain private counsel against the judgment proof defendant due to the fact that a lucrative settlement will not follow, and, therefore, cases may not come before the Commission. He suggested that the subcommittee may want to address the Department of Fair Employment and Housing as well as the Commission.

There was discussion clarifying that the motion was to refer this issue to the Legislative subcommittee to contact the Fair Employment and Housing Commission and the Department of FEH.

Addressing the issue of amending the Unruh and Ralph Acts, Commissioner Coleman said that the gay community has not been able to achieve housing and other protection through legislation, but through the courts, and asked the legislative committee to keep this in mind as a word of caution.

Chairman Barry noted that there was an item on the agenda for consideration of a proposed resolution, supporting the creation of the San Diego Human Rights Commission.

MOTION: Commissioner Mack made a motion, seconded by Commissioner Yu, that the Commission adopt the proposed resolution supporting creation of a San Diego County Human Rights Commission. The motion carried.

Chairman Barry said that this would at least encourage creation of the commission, even though it does exclude some groups, but at least it gets it going and that as it begins to operate, consideration can be given to expanding it to other groups.

Commissioner Coleman said he would agree, but that he finds it extremely offensive. He said the resolution as worded is excellent and he would support it completely. He said he just wants to make sure that the commission is aware of what is happening down there with the exclusion of gay people, and the creation of a public body, which could trigger increased violence against gay people because of a backlash against the gay community by this exclusion.

Commissioner Mack asked if the proposed ordinance would also provide funding for the commission. Marty responded that the letter which had gone out asking for support of the ordinance, also asked those supporting it to urge that funding be provided.

Mercado asked if all agreed that the RERMV Commission should urge for the creation of the SDHRC with adequate funding. Deputy Attorney General Medeiros noted that in staff discussion there was some concern as to whether the Commission should be urging local government to provide funds for a particular program since this is a local matter.

Commissioner Lytle said that the advocacy for the rights commission itself was more likely to step on the toes of local jurisdiction rather than the urging of funds to run it. Therefore, she suggested that the provision for adequate funds should be included.

Commissioner Mack concurred. He said all day the commission had heard individuals decry the decline of human rights commissions and that there was a clear need to insert a budget clause in the resolution to make sure it is not a meaningless piece of paper.

Commissioner Saito said he felt as though the Commission were abandoning one of its shipmates by not urging inclusion of gay people. He said he was aware that Supervisor Williams is asking for a compromise, but that he would rather go for a whole package.

Commissioner Yu suggested adopting the proposed resolution with the additional proviso that the Commission urges that adequate funding be provided. She suggested that the cover letter to Supervisor Williams urge that consideration be given to a broader scope for the commission that would include gays and lesbians, and although the Commission is aware of some of the political problems, that he should not give up. Commissioner Coleman said that the letter should also refer to the Ralph Act and all of the groups covered in that Act.

#### **ESTABLISHMENT OF GOALS AND PRIORITIES**

Msgr. Barry noted that the subcommittees have already identified their goals and priorities, and asked if members from Sacramento would be willing to work with Marty Mercado and Commissioner Lytle to try to produce a summary of these and draft a mid-term progress report to the Attorney General.

Commissioner Coleman said it was interesting that after the meeting with law enforcement representatives, that Officer Tenant had remarked to him that it was a "them vs. us" situation; and that there were no peace officer members of the Commission. Coleman said he thinks this is a serious tactical error and that we should consider augmenting the membership to include a peace officer or two, or at least to have a liaison with peace officer organizations.

Mercado explained that when the Attorney General was considering creation of the Commission, the decision was made not to have members of law enforcement sit on the Commission, but she noted the Commission was to be composed of representatives of community groups that have experience in this area, and that law enforcement would be invited to provide input.

Commissioner Yu suggested that perhaps those who have shown a particular interest could be invited to review the final report before it goes out. In this manner the independent character of the Commission is retained.

MOTION: Commissioner Lytle made a motion to encourage subcommittee members, where appropriate, to form liaisons with law enforcement officers.

Mercado noted that invitations had been sent to all the state organizations to send a representative, but they had not all responded.

Commissioner Yu said she had been contacted by the legal defense team headed by Fred Koramatsu, who is attempting to overturn the conviction in the Hirobayashi case inquiring whether or not the Attorney General would be willing to file an amicus curai brief in the federal case. She said that although the Commission has no particular power to play a role, that this is an issue of some concern to the Commission, and suggested that it be placed on the June agenda for discussion and commission action urging the Attorney General to file the brief. Deputy Attorney General Medeiros informed the Commission that a resolution in this respect could be passed at the present moment. He added that an information package requesting the AG to file an amicus brief was being prepared and it was expected to be submitted to the AG this week.

MOTION: Commissioner Yu made a motion that it was the consensus of the Commission that we urge the Attorney General to file an amicus curai brief in the Hirobayashi vs. the U.S. in the State of Washington. The motion was seconded and passed.

Commissioner Mack said that while he was pleased on the one hand at the motion passed at the last meeting to speak out against the apartheid policies of South Africa, he was disappointed at the letter to Senator Lugar which he felt was somewhat deficient and inarticulate in specifying the problem of apartheid, and asked if there was some merit to communicating with the Governor and other public officials throughout the state, urging them to use their influence wherever possible against such policies.

Commissioner Lytle questioned whether there is another vehicle that could be used in expressing disapproval of these policies, and suggested that a letter to the State Teachers Retirement System, which is considering adopting a policy of divestment with the government of South Africa might be helpful.

She indicated she would be willing to draft such a letter.

#### **ADJOURNMENT**

Msgr. Barry adjourned the meeting at approximately 4:45 p.m.

# City and County of San Francisco

## Human Rights Commission Office of Contract Compliance Office of Dispute Resolution



### APPENDIX I

February 27, 1985

*Scab  
H. LERNU*

Ms. Marty Mercado  
Coordinator  
Attorney General's Commission on Racial, Ethnic,  
Religious, and Minority Violence  
1515 K. Street, Suite 371  
Sacramento, CA. 95814

Dear Ms. Mercado:

Chairperson Brenda K. Wade and I would like to thank you and the Commission for your invitation to be on the agenda for your meeting on San Francisco scheduled for March 4, 1985 at the State Bar Association Building.

Although our respective schedules do not permit us to accept your invitation to appear in person, I would like to comment on some of the points in your list of five questions suggested for coverage in the March 4 meeting.

1. Over the twenty years of its existence as the City agency designated specifically to address areas of intergroup tensions and to work to eliminate prejudice and discrimination, the HRC has, of course, officially deplored and abhorred all forms of discrimination, particularly that manifest in acts of violence. Vandalism against religious institutions, theaters, social agencies, civil and human rights advocacy agencies, etc. have occurred, and the HRC has been on record as publically deploring them. It has, in addition, worked, sometimes behind the scenes, to take steps to curb such incidents.

Common factors that seem to occur in incidents of violence are difficult to specify, because the incidents are sporadic, often the work of an individual or a group of individuals, difficult to trace, and sometimes having the aspect of spontaneous actions.

The most recent reports of racial prejudice manifested in a public way have been of the leaflets posted by The White American Resistance (WAR) in the summer of 1984, and of a television program they broadcast in December of 1984 disputing the Holocaust. The Jewish community has reacted strongly to the latter incident, and to the leaflets distributed by WAR which give a postal box number (Box 202 San Francisco 94101), and a telephone number (626-4458) with a message of anti-Semitic, anti-Black, etc. nature.

Ms. Marty Mercado

2. As to recent changes in the frequency of the incidents of violence, I would refer to my earlier comment about their being sporadic in nature, flaring up with a great deal of public attention for a time (as when a cross-burning occurs, or "storm troopers" of neo-Nazi hate groups appear at public events) and then dying down. It is, perhaps, indicative of the inner weaknesses of organization in these groups or among these perpetrators that they do not sustain, over a long period of time, a concentrated series of incidents. Reports of some national groups which have committed major crimes of robbery and murder as part of their operation do, however, show that there are pockets of highly-organized groups of fanatics.

3. The response of local government and law enforcement in San Francisco has been swift and, I believe, on the whole effective. In 1983, for example, leaflets posted by the White Power Headquarters, using P.O. Box 496, Corte Madera, California as its address, gave a telephone number which provided a racist message (terms like "Jewish mass media" and Vietnamese sub-humans" were used). The HRC has one of several City agencies contacted by persons seeing the leaflets. I, as Director, contacted the Community Relations Unit of the U.S. Department of Justice. A member of my staff, Stanley Lim, contacted the Department of Public Works, whose workers removed the posted flyers in the district of the City where they were appearing. The San Francisco Police Department also was involved, and it was later determined, and reported in the major Bay Area newspapers, that the flyers and the telephone message were the work of a individual, aged 22, who was described as a "fervent admirer of Hitler and the Nazi beliefs and Ideology."

Further, the Intergroup Clearinghouse of San Francisco, created a few year ago by Mayor Dianne Feinstein to deal with crisis incidents of intergroup tensions, sponsored an education seminar aimed at the development of a network system of understanding among Blacks, Asians, and Hispanics.

Local government and law enforcement in this instance acted quickly and decisively to show the public the response to this kind of message.

To my mind, Ms. Mercado, one of the most eloquent statements of the HRC's position on hate groups and violence was made by former Commissioner Earl Raab, and adopted by the HRC formally at its regular meeting of January 10, 1974. He was reacting to a particular incident, but I think the statement is applicable to many of the concerns we share with your Commission. The Statement on National Social White Peoples' Party (Nazi) in San Francisco is attached for your information.

4. I do not have any specific recommendation on the state law coverage of such incidents and events.

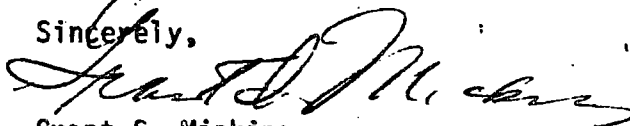
5. The Attorney General's creation of and strong public support for the Commission on Racial, Ethnic, Religious, and Minority Violence, and the holding of public meetings around the state, such as the one scheduled for March 4, is to be commended, and the HRC supports him 100%. Your commission was represented by Mr. Manny Medieros, your counsel, at a regular meeting of the Social Issues and Police Liaison Com-

Ms. Marty Mercado

mittee in November of 1984 for a full discussion of your activities, and the Committee continues to be interested in maintaining close ties with you, with notice of your meetings and deliberations.

Both Chairperson Wade and I regret we cannot be with you in person at the March 4 meeting, but we thank you for your courteous invitation, and assure you of our keen interest in the work of your Commission.

Sincerely,



Grant S. Mickins  
Director

GSM:bclp

cc: Commissioner Brenda Wade

Attachment

STATEMENT ON NATIONAL SOCIAL WHITE PEOPLES' PARTY (NAZI) IN SAN FRANCISCO

(Adopted by the Human Rights Commission, January 10, 1974)

There is a great deal of understandable frustration in the community about the success that the National Socialist White Peoples' Party (Nazi) has had in disrupting public meetings in this city recently. The Nazi Party in one form or another has emerged a couple of times before in the last 20 years.

It is important, first of all, that certain facts be reiterated about Nazism and what can be done about it.

We must first of all, remind ourselves that Nazism stands for everything that America stands against: Nazism stands for barbarism, dictatorship and mass murder. Nazism stands for hatred: the hatred of the Catholic Church, the hatred of the Protestant churches, the hatred of Jews, the hatred of Blacks, the hatred of Masons... the list is a long one, but the theme is always hatred.

We must remind ourselves that Nazism stands for the killing of a million Americans, and the killing of tens of millions of people in the world, about 8 million of them helpless men, women and children who were deliberately slaughtered by the Nazis, their bodies turned into soap, and their skins into lampshades.

We are also quite positive that the National Socialist White Peoples' Party is not going to get any following in the San Francisco Bay Area. Less than one ten thousandth of one per cent of the people in this area are associated with this Party. There is always an infinitesimal percentage of the population with the kind of warped minds which will embrace any kind of hate-mongering pathology. It is the same one ten thousandth of one per cent that has always been associated with such a group; and it will not much exceed on ten thousandth of one per cent. Indeed, it is part of the frustration that such a handful of people can cause trouble --- that we even have to tolerate the presence of those few misguided individuals who are willing to bear the sub-human symbol of the Nazi swastika.

The main problem we face, however, is not to let our revulsion for these people drag us down to their same level of barbarism. One of our main differences from the Nazis is our belief in freedom; our main protection against Nazism is the strength of our institutions of freedom. And that includes the First Amendment and freedom of speech. And the test of our commitment to freedom is not when we allow people with whom we agree to speak -- but when we allow people ~~with~~ whom we detest to speak. The city of San Francisco and San Franciscans detest the Nazis, but we must allow them to speak, within the limits of the First Amendment. The courts would force us to let them speak, if we did not, and the courts would be right.

~~The~~ The Board of Education must let anyone enter the hall when there is a public meeting in session - but the Board should not tolerate any disturbance or physical violence. The Board of Education must let anyone speak, when there is such a meeting, but the Board should not tolerate any speech which is not related directly to the subject at hand. And the Board of Education must make sure that the police enforce such proscriptions." And San Franciscans should express their disgust with these alien Nazi symbols in ways short of violence or disruption. The Nazis want to engage and be engaged in violence; they want, above all, to disrupt. San Franciscans should not play their game. Let's enforce the rules, get on with our business, and this pitiable one ten thousandth of one per cent will disappear back into their holes, as they have before.

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PRESENTATION

by

JAMES P. McENTEE  
Director  
Human Relations Commission

(CAHRO)

TO: ATTORNEY GENERAL'S COMMISSION  
ON  
"RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE"  
MONDAY, MARCH 4, 1985

GOOD MORNING! My name is James P. McEntee. I am Director of the Human Relations Commission for the County of Santa Clara, and am also the President of the California Association Of Human Rights Organization (CAHRO). I am here today representing CAHRO, and through CAHRO, the Human Relations Commissions throughout the State.

First, I would like to say a few words about CAHRO. CAHRO has been in existence for twelve years and represents Human Relations Commissions, both in Northern and Southern California. The organization was progressing quite well until about five years ago when the effects of Proposition thirteen and a little later, results of the present administration's budget cuts were felt throughout California. Human Relations Commissions throughout the State were decimated. Many of the Commissions went out of existence, even those in large counties, such as Alameda, San Diego and Riverside. Others had their staff cut to practically nothing. The Human Relations Commission staff in Santa Clara County was cut from high of twenty around 1979, to thirteen in 1981, to one by the end of 1982. CAHRO suffered also as a result of these cutbacks but things are looking somewhat better as we go into 1985. A number of jurisdictions are establishing or re-establishing Human Relations Commissions. There is a new interest in the work that the Commissions perform and there is greater cooperation between the Commissions and civic groups which have similar

goals. CAHRO is working with these Commissions and also with the Community groups and we have some great hopes for the future. I might mention that the CAHRO Twelfth Annual State-wide Conference will be held in San Francisco, on May 30, 31 and June 1, 1985. I do hope that this Commission will be represented.

The Human Relations Commissions have two main responsibilities in the Community.:

1. To take affirmative action to eliminate prejudice and discrimination in the Community.
2. To promote peace and harmony within the Community, among individuals and among groups.

These general categories imply many responsibilities.

The Human Relations Commissions monitor activities in the Community. They are watching for prejudice and discrimination in all aspects of life-- Employment, Housing, Public Accommodations, etc.. They are also looking for trends that are working in these areas. The Human Relations Commissions are in a uniquely effective position in the Community. Their Commissioners usually represent all segments of the Community--all ethnic groups, all age groups, all geographical areas of the Community. The staffs of the Commissions are trained to be effective Community workers and to be open and available to all economic, cultural, age and ethnic groups. They are part of the Community and so are always there to follow through on Community situations. They tend to hear what is taking place, long before Police or any other Community problem solvers.

I would like to mention some of the effective programs which are functioning throughout the State.

1. The Human Relations Commission of Santa Clara County for the past nine years has developed a very cooperative relationship with the

Sheriffs Department and the County Fair Association. In 1976, the Fair was more like war--than fun. In ten days there were 620 arrests. In the 1984 Fair, there was substantially increased attendance at the Fair--but the number of arrests were less than 50. This is accomplished--through the planning of goals for the Fair ahead of time, proper selection of personnel, working with the Community prior to the Fair, monitoring the arrests procedures and general cooperative efforts. Everyone is happy with the present situation. This could be duplicated in other areas.

2. Los Angeles County Human Relations Commission last summer ran a successful "Rumor Clinic" during the Summer Olympics. Rumors can destroy the greatest activities. The Clinic helped to control these rumors.

This program could also be duplicated in areas where a major public event is to take place.

3. San Francisco Human Relations Commission took charge of affirmative Action Hiring and contracting with minority firms for the Democratic National Convention. They did an excellent job and helped to avoid difficulties.
4. Throughout the State the Human Relations Commissions have taken the lead in working with the Homeless, trying to provide shelter for them and at the same time making sure that their rights are protected and respected. There is still lots of work to do with this population.

Next, I would like to speak about specific areas of concern especially those relating to racial, ethnic, religious and minority violence. These are areas which I feel that your Commission along with us, should consider very seriously.

1. Anti-Asian Violence, Bigotry Violence and Discrimination. It is on the upswing and is especially affecting the South East Asian Refugees in our Community. Human Relations Commissions throughout the State have held Public Hearings on this subject. The evidence is clear--but now some action must be taken. Your Commissioners can encourage this because it involves City and County administration. Enforcement Agencies, Health Departments, Social Service Departments and a number of other agencies. Can these new immigrants be properly served and protected when their language is not spoken by most of the agencies that are supposed to serve them. CAHRO would be happy to meet with you to develop a plan to deal with this problem.
2. A recent serious problem with threats of violence and death is the religious prejudice and bias against gays and lesbians. Human Relations Commissions & CAHRO have worked with this population--and have been condemned because of this. I notice that on your afternoon Agenda an item to consider a resolution supporting creation of a San Diego County Human Rights Commission. We surely hope that this Commission will come into existence but the Fundamentalist Churches in the area are trying to sabotage the plan. When Legislation was being prepared in Sacramento which would have been helpful to the Human Relations Commissions, these same Churches threatened and were able to water down the proposed legislation until it became useless. They have threatened murder and violence against gays and lesbians and all in God's name. Can you do something about this?
3. A third group that deserves your special attention is the States homeless population. The worst violence which can be perpetrated against a person is to deny that person the right to have a place

to live. Homeless people are no ones constituents. The Cities say they are the County's responsibility, the Counties say it is the State's responsibility. The States say it is a Federal responsibility and the Federal Officials say it is a local responsibility. "If we have a program, it will be a magnet and draw people from all over the State" Haven't you heard this?--So many magnets would neutralize one another. Santa Clara County has a homeless population of 5,000, San Mateo about 2,000, San Francisco about 5,000, Alameda County about 4,000.

We need a Housing Policy that will tie down this responsibility for the homeless. Will you help to develop this?

The California Association of Human Rights Organization feels that problems that we have spoken to must be addressed--and one of the most effective ways of addressing them is through the Human Relations Commissions. We should have Human Relations Commissions in every County in the State and in some of the larger cities. These should be established where there is still a chance to do some effective planning and gradual implementation rather than being simply reacting to major problems--destroying our Communities. We request that ~~these~~ Commissions work with CAHRO and with Commissioners throughout the State to develop realistic and sufficiently funded State Legislation to allow Human Relations Commissions to perform their important work in the Community. The financial savings and the preservation of dignity and the preservation of peace in our Community will be great.

I wish to thank you for the opportunity to speak to you this morning. We hope that we can work closely with your Commission in developing programs that will eliminate Racial, Ethnic, Religious and Minority Violence throughout the State and make our State a better place to live for all people.

ATTORNEY GENERAL'S  
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE  
March 4, 1985  
San Francisco, California

Attendance List

Reuben Burton, Department of Education, Office of Intergroup Relations  
Robert V. Poquez, Filipino American Political Association and APACC  
Alice P. Bulos, Filipino American Political Association and APACC  
President, San Mateo County  
Amado M. Villanueva, Filipino American Political Association and APACC  
Alonzo M. Johnson, Office of the Contra Costa County District Attorney  
Doug Culver, KCBS Radio, San Francisco  
Trish Donahue, Human Rights Resource Center, San Rafael  
Steve Owyang, Fair Employment and Housing Commission  
Hannah Stevenson, San Francisco Independent Living Center  
Forrest Fulton, San Francisco Police Department  
Woody Tennant, San Francisco Police Department  
Marilyn Espinoza, Pilipino-American General Association, San Esteban  
Randy Schell, Community United Against Violence, San Francisco  
Diana Christensen, Community United Against Violence, San Francisco  
Bentham Thompson, KPFA Radio, Berkeley  
Henry Der, Chinese for Affirmative Action  
Thanes Vo, Education Center/East Side District, San Jose  
Charlie Jaimes, East Side Union High School District, San Jose

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
SACRAMENTO 95814  
(916) 445-9555

COMMISSION ON RACIAL, ETHNIC, RELIGIOUS  
AND MINORITY VIOLENCE

NOTICE OF MEETING

Attorney General John Van de Kamp's Commission on Racial, Ethnic, Religious and Minority Violence will be held on Monday, March 4, 1985, at the State Bar Association Building, 555 Franklin Street, San Francisco, beginning at 9:00 a.m., and adjourn at approximately 5:00 p.m.

The Commission will also meet in subcommittee worksessions on Sunday, March 3, 1985, from 5:00 p.m. to 7:00 p.m., to consider recommendations for legislation and strengthening of litigation for enforcement of the Ralph Civil Rights Act. The committees will also discuss goals and priorities for the coming year.

The public is invited to attend the meetings.

For further information contact: Marty Mercado, Chief, Office of Community and Consumer Affairs, Office of the Attorney General, 1515 K Street, Sacramento. (916) 324-7859.

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ATTORNEY GENERAL'S  
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS & MINORITY VIOLENCE

MARCH 4, 1985

STATE BAR ASSOCIATION BUILDING  
555 FRANKLIN STREET  
SAN FRANCISCO, CA

*abs - Cleaver  
Harrier*

*Comment 9:05*  
AGENDA

- ✓ 9:00 a.m. Call to Order - *letter re apartheid policies / certificates*
- ✓ 9:05 ✓ Approval of Minutes - *approved - moved*
- ✓ 9:15 ✓ Scheduling of Next Meeting - *6/9-10 - Riverside*
- 9:20 \* ✓ Update on SB 2080 Implementation Plan - *need report from Saudi*
- 9:30 Report of Education, Legislation & Litigation Subcommittees
- 10:30 BREAK
- ✓ 10:45 S. F. Human Relations Commission (*unable to attend; will send report*)
- ✓ 11:00 *Dr. Reuben Burton - Doc - Hands Across Campus - motion*  
Calif. Association of Human Rights Organizations J. McEntee
- ✓ 11:15 *35*  
U.S. Dept. of Justice-Community Relations Service J. Klugman
- 11:30/12:00 Community United Against Violence D. Christiansen
- ✓ 11:45 Independent Living Resource Center H. Stevenson
- 12:00 - Lunch Meeting with Law Enforcement Agencies on enforcement  
2:00 of Ralph Civil Rights Act - *list of attendees - PORAC* (10)
- BREAK
- ✓ 2:15 *(US mins)*  
Chinese for Affirmative Action Henry Der (?)
- 2:30 *3:*  
Senior Citizens Escort Program Mark Forrester  
Director
- ~~2:45~~ Public Comments - *SM - NARCO HRC will attend*
- 3:45 *STEVE CHYANG - FEHR - motion*
- 3:45 Consideration of Proposed resolution supporting creation  
of S.D. County Human Rights Commission - *MOTION* *Rock* *\*approved*
- 4:00 \* Commission Establishment of Goals & Priorities
- \* Consideration of public information brochure on civil rights
- 5:00 p.m. Adjourn *Motion* *motion - amicus brief*

NOTE: The Subcommittees will meet on SUNDAY 3/3 - 5:00 - 7:00 p.m. at the San Franciscan Hotel, 1231 - Market & 8th at the Civic Center, to discuss priorities for the coming year.

*Thank Diane  
great facility*

*OK \*sent letter to  
Bar assn*

MEETING WITH LAW ENFORCEMENT REPS - 3/4/85

Invited

President, California Police Chief's Association - will send representative.  
President, California Sheriff's Association - confirmed - Bud Cook, Monterey  
County Sheriff's Office  
President, California Peace Officer's Association  
Glen Craig, Director, Division of Law Enforcement, Attorney General's Office

Chiefs of Police

San Francisco - confirmed Lt. Joseph Lordan  
Berkeley - confirmed Chief Ronald Nelson  
Oakland  
Richmond - confirmed Capt. Art Johnson  
San Jose - will send representative

District Attorney's Office

San Francisco - No  
Alameda - No  
Contra Costa - representative Al Johnson

Sheriff's Office

Santa Clara Co. - No  
San Mateo Co.  
San Francisco Co.  
Alameda Co.

RICHARD G. LUGAR, INDIANA, CHAIRMAN

JESSE HELMS, NORTH CAROLINA  
CHARLES McC. MATHIAS, JR., MARYLAND  
NANCY L. KASSEBAUM, KANSAS  
RUDY BOSCHWITZ, MINNESOTA  
LARRY PRESSLER, SOUTH DAKOTA  
FRANK H. MURKOWSKI, ALASKA  
PAUL S. TRIBLE, JR., VIRGINIA  
DANIEL J. EVANS, WASHINGTON

CLAIBORNE PELL, RHODE ISLAND  
JOSEPH R. BIDEN, JR., DELAWARE  
PAUL S. SARBANES, MARYLAND  
EDWARD ZORINSKY, NEBRASKA  
ALAN CRANSTON, CALIFORNIA  
CHRISTOPHER J. DODD, CONNECTICUT  
THOMAS F. EAGLETON, MISSOURI  
JOHN F. KERRY, MASSACHUSETTS

JEFFREY T. BERGNER, STAFF DIRECTOR  
GERYLD B. CHRISTIANSON, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510

March 18, 1985

Monsignor William J. Barry  
Chairman  
Attorney General's Commission on Racial,  
Ethnic, Religious, and Minority Violence  
Department of Justice  
1515 K Street  
Suite 511  
Sacramento, California 95814

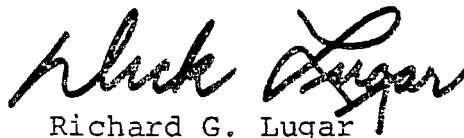
Dear Monsignor Barry:

Thank you for your February 22 letter regarding the establishment of the Commission on Racial, Ethnic, Religious, and Minority Violence. I certainly share your concern about the spread of violence, and appreciate your informing me of this Commission.

I believe that promoting human rights is central to the United States' heritage and foreign policy. As you know, this belief does not translate easily into policy decisions. That, however, does not absolve us from encouraging adequate safeguards for basic civil, political and economic rights.

Again, thank you for writing. I appreciate your expression of support for my human rights record.

Sincerely,



Richard G. Lugar  
Chairman  
Senate Foreign Relations Committee

RGL:1b1



## Oakland Asian Community Questions Police Protection of Refugees

SAN FRANCISCO - Reported racial violence targeted at Laotian and other Asian refugees in West Oakland has drawn attention from several Asian groups as to what can be done to beef up police protection and to ease interracial tensions.

The physical attacks and harassment directed at West Oakland refugees neighborhood by black youths at 10th and Wood Streets had resulted in the arrest of two 14-year-olds last week by the Oakland police.

At a March 13th meeting of several Asian groups, concern over whether the Oakland police has done their best to protect the victims were raised and discussed.

Ben Zambales, case worker for Asian Community Mental Health Services, mentioned that in a *SF Chronicle* interview with Deputy Chief of Police John Ream, the Southeast Asian refugees were said to have been afraid of cooperating with the police for fear of retaliation.

According to Zambales, however, some refugee victims had called the police on many occasions. The police had come, but had not taken a report or called for an ambulance to help the victims who were physically injured, he said.

Other case workers for Asian Community Mental Health Services, May-Sio Saephan and Han Yun, also reported similar cases based on their interviews with several refugee families.

Another concern raised by Zambales was that the Oakland Police Department had no bilingual dispatcher or police officer to communicate with Asian refugee families.

In the past, hiring of bilingual dispatchers or police officers had

been advocated and the Chief of Police George T. Hart had posted a job description for those positions, but they were never filled due to tough requirements, according to Phianne Sayarad, executive director of the Laotian Buddhist Temple on Wood Street.

The meeting also stressed the necessity of developing cultural exchange programs between identified Blacks and Asian community leaders to bridge communication gaps and ease interracial tensions.

According to Tse Ming Tam, caseworker at Chinese for Affirmative Action, the Laotian refugees had been fearful and angry after the

successive attacks and harassment, and talks about purchasing guns to protect themselves had been around. But they "have" felt safer with the knowledge that outside sources were monitoring the situation, and the talks "have subsided for the time being."

Frank Chong, assistant director of Asian Community Mental Health Services, said that he wanted to schedule a meeting in two weeks to begin cultural exchange and education programs between the concerned Blacks and Asians, and a meeting on March 19th with the Chief of Police to address the above issues. □

# Project Directors' Perspectives

## FELICIA LOWE

Film maker

Angel Island Film Project

I am an American-born Chinese, schooled from kindergarten to college in California's public schools in the days before ethnic studies or women's studies courses were available. I grew up with stories about Pilgrims and the Mayflower, the Constitution and George Washington. On television, I was exposed to the likes of "Father Knows Best" and "Ozzie and Harriet." And I could not relate to any of it!

These were all about white people. I could not identify with the "founding fathers" or the European immigrants who settled America. Yet, though American-born, even as a child I realized something was amiss. I did not fit in. Though we may be living in a little more enlightened period of time, I think a vast majority of ethnic children today still feel as I did. We don't count. We are not considered a part of America. We remain second-class citizens. How wonderful it would have been for me to learn about the early and considerable contributions made by the Chinese in the building of the West. My

known and to retrace the steps of my father's journey to America.

What I learned on a personal level actually changed by life. It did give me a self-confidence by learning of my past and experiencing a people and country that used to seem strange and faraway. As a provider, a producer of the film, I learned something else. People are hungry for common experiences. Looking for my roots, meeting my grandmother for the first time, was an experience many related to. I received letters from viewers who said, "I went to Poland, I went to Italy, I went to Japan and felt exactly as you did." Another comment came from an elderly Chinese lady who thanked me for showing the village she hadn't seen for 50 years. Seeing it on television validated an important part of her life. What a thrill for me to have been part of the information exchange that I think is essential in our society. There are universals in all our experiences and as providers of information or educators it is our responsibility to make those connections.

In the study guide, which accompanies the film, these questions were suggested:

can we get beyond our stereotypes to see everyone as an individual?

3) How do you feel about the fact that we are primarily a nation of immigrants from all around the world? What are some of the advantages and problems resulting from our cultural diversity? Do we tend to think of some Americans—such as those with a different skin color—as "different" from others? How can we gain a better appreciation for Americans from all backgrounds?

4) What do you know about your own family heritage? What country or countries did your family come from? Why do you think your ancestors came to this country?

These, I think are provocative questions for eager minds to consider, indeed, for anyone. Added to this might be projects such as creating a world map or mural depicting one's heritage, producing a family tree, conducting field trips, or asking students to tape record or write an interview with someone who grew up in another culture. No one could dispute the educational value of any of these assignments; beyond the skills developing level is the opportunity to offer insight into other real American experiences.

Currently, I am working towards

of Chinese Americans is a problem the community is trying to extricate itself from even today. Chinatowns are full of examples of remnants of that period of history.

My goal is to present a compelling story which is historically accurate that helps viewers at large understand a very significant event which affected the acculturation patterns of Chinese Americans. Translating this information so that it is meaningful to a farmer in Minnesota means making the connections about the commonality of experience of all immigrants.

Identifying with the personal isolation of detention can be achieved with the personal stories of fear, frustration, anger. And the wonderful resilience of a people who might have been victims had they not survived the experience to become victors in their own way—that is an American story. That can be a common language for all Americans to share.

The necessity for cultural literacy increases with our changing society. As recently as a year ago, a woman on an airplane commented to me, how well I spoke English. It never occurred to her that I could be an American. As long as that situation exists, there's work to be done. And

**A Growing Trend**

# The Abuse and Neglect of the Elderly

*elderly abuse*

By URSULA VILS,  
Times Staff Writer

DENVER—Anybody in a position of trust to older people is also in a position to abuse them—and usually in a position to hide the abuse.

That was the thrust of a program on "Elder Abuse and Neglect" at the Western Gerontological Society's 31st annual meeting here. The leader was Mary Joy Quinn, R.N., M.A., an investigator for the San Francisco Superior Court who handles 30 to 40 neglect and abuse cases a month—95% of which involve the elderly "and most of those over 75, the fastest-growing population," she said.

Quinn differentiated between abuse and neglect.

## A Subtle Difference

"Neglect usually is viewed as less serious in intent, as something that is not deliberate but an omission of care," she said. "Some experts, however, think it can be deliberate and vicious.

"Abuse is intentional, an act of commission.

"Intent is critical when trying to decide a case in court. But the effects are the same: The person is damaged physically, financially and always psychologically.

"There are various types of abuse. Physical, which is bodily harm. Psychological, which is mental distress. Financial—assets are misappropriated. Violation of rights—not being able to vote, to receive mail unopened, to practice

the religion of one's choice."

The incidence of elder abuse and neglect is unprecedented, Quinn said, largely because no similarly large older population ever existed before.

"A person born in 1900 had a life expectancy of 49.2 years," she said, going on to explain that having attained a certain age, one's prospects for additional longevity increase. "By 1980 a person 65 could look forward to living another 16.4 years, one 75 had another 10.4

years and one 84 an additional 8.2 years. The fastest-growing population in our society is 75 or over.

"Four-generational families are becoming common, and there is evidence of a transgenerational nature of family violence."

Statistics on elder abuse, like those for child abuse, remain imprecise, Quinn said.

"Estimates of the incidence of abuse and neglect range from 4% to 55%," she said. "I don't know if we will ever have accurate figures.

This is a hidden phenomena. No one reports it."

Quinn, who was aided in the presentation by Susan K. Tomita, a Seattle social work executive and clinical assistant professor at the University of Washington, gave a laundry list of the physical symptoms of malnutrition to her audience, primarily professionals who work with the elderly. Other physical symptoms of abuse—bruises, head injuries, failure to thrive—parallel those of child abuse cases.

"I think malnourishment and dehydration are widespread among the elderly," Quinn said. "I remember the case of one woman with hallucinations. We got Meals on Wheels involved, the woman got good food and the hallucinations stopped.

## Clues of Abuse

"Often the person providing care to an elder won't let you see the elder alone. Caregivers are evasive or verbally aggressive, and conflicting accounts about the elderly person's state are a good indicator of abuse or neglect.

"The caregiver also blames the client for whatever may have happened. We had a case in which a son was kicked out by his wife, went home to mother and took her out of a rehabilitation center.

"The caregiver often blames the client for incontinence, then withholds liquids, causing dehydration.

"Psychological abuse is difficult to prove. In some families they've always yelled at each other. But the suicide rate for elderly women is going up worldwide. When older people threaten suicide they usually complete it. The most common suicide is a man in his 80s who lives alone."

Please see ELDERLY, Page 7

Quinn related the case history of a 74-year-old woman who fractured her skull in a fall and had a steel plate inserted, had to be fed and catheterized: "In all respects she was dependent on others totally," Quinn said.

"The woman and her son Harry lived in a two-bedroom apartment in a nice part of town," she said. "But it was full of clutter and dirt and there was no place to sit down.

"The mother had dehydration and malnutrition. Harry hit her—and admitted it. She was often hospitalized and these hospitalizations all coincided with Harry's trips to Southern California to see his spiritual counselor. She would do well in the hospital and respond to treatment, but inevitably she would return to her debilitated state.

"A Visiting Nurse once noticed that the woman's arm was bruised and misaligned. Harry, who was a great big, heavy man, said he fell on her and pushed her arm out of the way. He said he called the doctor, who refused to treat her because she was old and it wouldn't be worth it. She lost all use of her arm.

"She continued to disintegrate. Harry went to Southern California again and his mother went back to the hospital. She had another bruise on her chin and Harry said, 'I had to help her close her mouth.'

"Now, all this time Harry never said he was his mother's conservator. We found he was conservator and had a court hearing. She was found to be in need of 24-hour nursing care and it was recom-

mended the son be removed as conservator.

"She was removed immediately to a nursing home, before Harry could get home and mistreat her. She improved and no longer cringed when he came in to feed her. But we watched him carefully; we also wondered if the original fall had been an accident.

"Harry was never prosecuted. There is more and more concern over cases that are not being prosecuted. The judge had a great propensity to disbelieve my report—and you (as social workers) are not going to believe some of the things you see yourself."

Quinn repeated the theory of a "transgenerational nature of family

10

violence" and cited an anonymous old English rhyme about a man who recalls living with his Granny who "hid" (beat) him as a child. It goes on:

*Now I am a man and I live with my granny  
And do to ma granny what she did to me.*

"There is a theory of revictimization," Quinn said, "a feeling that a woman who was a child abuse victim is a spouse abuse victim, and perhaps an elder abuse victim as well."

She said that alcohol abuse and drug dependency often play roles in abuse and neglect of the elderly by caregivers, who also may be sociopaths who take no responsibility for their actions or who are mentally impaired.

Reinforcing—or ignoring—the abusers are societal attitudes: ageism, gerontophobia, a negative attitude toward the disabled, sexism ("women are disproportionate vic-

times")—and greed. Caregivers also tend to be clever about hiding their neglect and abuse of seniors, Quinn said.

Legal problems also bedevil the matter of elder care, and Palo Alto attorney Michael Gilfix, an expert in the area, conducted a daylong program on the subject at the Western Gerontological Society meeting. In one session he spoke of the problems of single people with no relatives or whose families are

too far away to be of any real help as either personal or financial caretakers.

"Sometimes out of loneliness elderly people become too trusting," Gilfix said, "placing confidence in the wrong people. Or they name a bank that can deal with the financial but not the personal care. Social workers serving as conservators is becoming a business, a real growth industry."

Even those with family ties face problems, he said, citing "a real case" in which Mr. and Mrs. Smith

have a monthly income of \$1,420 from Social Security and pension, own their home, have \$50,000 in bank accounts and \$30,000 in undeveloped resort property.

At the behest of their daughter, a divorcee with two children, the Smiths seek legal advice. Smith has Alzheimer's disease; his mental capacities are questionable. His wife is a passive person who doesn't say much. Their son contends that his father is incapable of signing any legal document at this point.

"We have here potential conflicts of interest," Gilfix said. "Who

is the client? Is this a matter between son and daughter? Mother and children? Parents and daughter? Are all in the family clients?"

"Maybe you represent all of them, maybe some or none. I try to do all I can to give them a one-stop legal shopping center."

Gilfix also spoke of the ethical problems attendant to cases involving the elderly and their caregivers and conservators.

"There are some requirements, as there are for doctors and others, to report elder abuse," he said. "And if you do, are you violating the attorney-client relationship?"



ERNIE LEYBA

From left, Johnd, Margaret and Alberta Jojola of Salida, N.M., were among attendees of Western Gerontological Conference.

April 6, 1984

*From  
J. Klugman  
to [unclear]*RECEIVED BY  
PA. HUMAN RELATIONS  
COMMISSION  
HEADQUARTERS

APR 17 3 40 PM '84

SUBJECT: State Police Role in Incidents Involving Violations of the  
Ethnic Intimidation and Institutional Vandalism Act

TO: Area and Troop Commanders  
Attention: Community Relations Officers

FROM: Deputy Commissioner *[Signature]*

ENCLOSURE: (1) Ethnic Intimidation and Institutional Vandalism Act # 154  
(2) Leaflet prepared by the Attorney General concerning the  
Ethnic Intimidation Act.

1. In June, 1982, the Governor signed into law the Ethnic Intimidation and Institutional Vandalism Act. This law now considers certain crimes to be more serious when motivated by hatred or malice toward the race, color, religion or national origin of another individual or group. The law provides a more severe punishment of fines and imprisonment if the offense can be proved to be based upon a motivation of hatred of the race, color, religion or national origin of the victim(s).

2. Crimes punishable by the more severe penalty include assault, aggravated assault, harassment by communication or address (telephone), arson, criminal mischief, criminal trespass and other property destruction.

3. Vandalism causing damage or defacement to a church, synagogue, cemetery, mortuary, memorial to the dead, school, educational facility, community center, grounds surrounding such institutional facilities, or personal property located within is an offense now punishable as a felony of the third degree if the repairs, replacement or other costs exceeds \$5,000.

4. Enclosures (1) and (2) and included for your information and guidance.

5. This correspondence concerns the role of the State Police in enforcing this law in cooperation with local police departments and the state Inter-Agency Task Force on Civil Tension.

6. When a representative of this Tension Task Force learns of a tension incident that might be a violation of this Ethnic Intimidation law they will notify the Coordinator of the Task Force, Richard Anliot, who will notify the Director, Bureau of Community Services. The Director will in turn notify the Commander of the Troop in whose area the incident took place to assign the appropriate Community Relations Officer (CRO) or other officer to the situation.

7. The response of the Community Relations Officer or other officer assigned to the incident shall be as follows:

- a. Contact the Tension Task Force representative who reported the incident for full details.
- b. If the incident occurred in a prime jurisdictional area of the State Police, investigate to determine if violations of the Ethnic Intimidation and Institutional Vandalism Act have been committed, i.e., if its crimes were motivated by hatred of the race, color, religion or national origin of the victim, and apprehend the offender.
  - (1) Contact the victim and other interested community representatives and organizations with information about the Ethnic Intimidation Act.
  - (2) Maintain contact with the other Tension Task Force agency representatives involved in the incident situation to keep them informed and to maximize cooperation and coordination with their activities.
  - (3) Cooperate with the Tension Task Force agency representatives involved in the incident situation to make and implement short-range and long-range plans to deal with the causes of the incident and to prevent a recurrence.
- c. If the incident occurred in any area other than that in which the State Police has primary jurisdiction, contact the local Police Chief in person to:
  - (1) Report the incident.
  - (2) Offer to assist the local police in the investigation to determine if violations of the Ethnic Intimidation and Institutional Vandalism Act have occurred and to apprehend the offenders(s).

- d. If the local Police Chief requests such assistance, and in cooperation with the local police department, the same procedures shall apply as if we were the primary investigative agency.
- e. Prepare and submit written reports concerning the incident in the usual manner.
- f. If an incident is detected by our field personnel prior to the Task Force representative being notified, the appropriate Troop Commander shall be notified immediately. He will in turn assign the appropriate Community Relations Officer or other officer to investigate the situation and then notify the Director, Bureau of Community Services.

WJR:jaf

cc: Chief of Staff

FILE

**City and County of San Francisco**

**Human Rights Commission  
Office of Contract Compliance  
Office of Dispute Resolution**



February 27, 1985

*Seal  
to LERNU*

Ms. Marty Mercado  
Coordinator  
Attorney General's Commission on Racial, Ethnic,  
Religious, and Minority Violence  
1515 K. Street, Suite 371  
Sacramento, CA. 95814

Dear Ms. Mercado:

Chairperson Brenda K. Wade and I would like to thank you and the Commission for your invitation to be on the agenda for your meeting on San Francisco scheduled for March 4, 1985 at the State Bar Association Building.

Although our respective schedules do not permit us to accept your invitation to appear in person, I would like to comment on some of the points in your list of five questions suggested for coverage in the March 4 meeting.

1. Over the twenty years of its existence as the City agency designated specifically to address areas of intergroup tensions and to work to eliminate prejudice and discrimination, the HRC has, of course, officially deplored and abhorred all forms of discrimination, particularly that manifest in acts of violence. Vandalism against religious institutions, theaters, social agencies, civil and human rights advocacy agencies, etc. have occurred, and the HRC has been on record as publically deploring them. It has, in addition, worked, sometimes behind the scenes, to take steps to curb such incidents.

Common factors that seem to occur in incidents of violence are difficult to specify, because the incidents are sporadic, often the work of an individual or a group of individuals, difficult to trace, and sometimes having the aspect of spontaneous actions.

The most recent reports of racial prejudice manifested in a public way have been of the leaflets posted by The White American Resistance (WAR) in the summer of 1984, and of a television program they broadcast in December of 1984 disputing the Holocaust. The Jewish community has reacted strongly to the latter incident, and to the leaflets distributed by WAR which give a postal box number (Box 202 San Francisco 94101), and a telephone number (626-4458) with a message of anti-Semitic, anti-Black, etc. nature.

Ms. Marty Mercado

2. As to recent changes in the frequency of the incidents of violence, I would refer to my earlier comment about their being sporadic in nature, flaring up with a great deal of public attention for a time (as when a cross-burning occurs, or "storm troopers" of neo-Nazi hate groups appear at public events) and then dying down. It is, perhaps, indicative of the inner weaknesses of organization in these groups or among these perpetrators that they do not sustain, over a long period of time, a concentrated series of incidents. Reports of some national groups which have committed major crimes of robbery and murder as part of their operation do, however, show that there are pockets of highly-organized groups of fanatics.

3. The response of local government and law enforcement in San Francisco has been swift and, I believe, on the whole effective. In 1983, for example, leaflets posted by the White Power Headquarters, using P.O. Box 496, Corte Madera, California as its address, gave a telephone number which provided a racist message (terms like "Jewish mass media" and Vietnamese sub-humans" were used). The HRC has one of several City agencies contacted by persons seeing the leaflets. I, as Director, contacted the Community Relations Unit of the U.S. Department of Justice. A member of my staff, Stanley Lim, contacted the Department of Public Works, whose workers removed the posted flyers in the district of the City where they were appearing. The San Francisco Police Department also was involved, and it was later determined, and reported in the major Bay Area newspapers, that the flyers and the telephone message were the work of a individual, aged 22, who was described as a "fervent admirer of Hitler and the Nazi beliefs and Ideology."

Further, the Intergroup Clearinghouse of San Francisco, created a few year ago by Mayor Dianne Feinstein to deal with crisis incidents of intergroup tensions, sponsored an education seminar aimed at the development of a network system of understanding among Blacks, Asians, and Hispanics.

Local government and law enforcement in this instance acted quickly and decisively to show the public the response to this kind of message.

To my mind, Ms. Mercado, one of the most eloquent statements of the HRC's position on hate groups and violence was made by former Commissioner Earl Raab, and adopted by the HRC formally at its regular meeting of January 10, 1974. He was reacting to a particular incident, but I think the statement is applicable to many of the concerns we share with your Commission. The Statement on National Social White Peoples' Party (Nazi) in San Francisco is attached for your information.

4. I do not have any specific recommendation on the state law coverage of such incidents and events.

5. The Attorney General's creation of and strong public support for the Commission on Racial, Ethnic, Religious, and Minority Violence, and the holding of public meetings around the state, such as the one scheduled for March 4, is to be commended, and the HRC supports him 100%. Your commission was represented by Mr. Manny Medieros, your counsel, at a regular meeting of the Social Issues and Police Liaison Com-

Ms. Marty Mercado

mittee in November of 1984 for a full discussion of your activities, and the Committee continues to be interested in maintaining close ties with you, with notice of your meetings and deliberations.

Both Chairperson Wade and I regret we cannot be with you in person at the March 4 meeting, but we thank you for your courteous invitation, and assure you of our keen interest in the work of your Commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Grant S. Mickins".

Grant S. Mickins  
Director

GSM:bclp

cc: Commissioner Brenda Wade

Attachment

STATEMENT ON NATIONAL SOCIAL WHITE PEOPLES' PARTY (NAZI) IN SAN FRANCISCO

(Adopted by the Human Rights Commission, January 10, 1974)

There is a great deal of understandable frustration in the community about the success that the National Socialist White Peoples' Party (Nazi) has had in disrupting public meetings in this city recently. The Nazi Party in one form or another has emerged a couple of times before in the last 20 years.

It is important, first of all, that certain facts be reiterated about Nazism and what can be done about it.

We must first of all, remind ourselves that Nazism stands for everything that America stands against: Nazism stands for barbarism, dictatorship and mass murder. Nazism stands for hatred: the hatred of the Catholic Church, the hatred of the Protestant churches, the hatred of Jews, the hatred of Blacks, the hatred of Masons... the list is a long one, but the theme is always hatred.

We must remind ourselves that Nazism stands for the killing of a million Americans, and the killing of tens of millions of people in the world, about 8 million of them helpless men, women and children who were deliberately slaughtered by the Nazis, their bodies turned into soap, and their skins into lampshades.

We are also quite positive that the National Socialist White Peoples' Party is not going to get any following in the San Francisco Bay Area. Less than one ten thousandth of one per cent of the people in this area are associated with this Party. There is always an infinitesimal percentage of the population with the kind of warped minds which will embrace any kind of hate-mongering pathology. It is the same one ten thousandth of one per cent that has always been associated with such a group; and it will not much exceed on ten thousandth of one per cent. Indeed, it is part of the frustration that such a handful of people can cause trouble --- that we even have to tolerate the presence of those few misguided individuals who are willing to bear the sub-human symbol of the Nazi swastika.

The main problem we face, however, is not to let our revulsion for these people drag us down to their same level of barbarism. One of our main differences from the Nazis is our belief in freedom; our main protection against Nazism is the strength of our institutions of freedom. And that includes the First Amendment and freedom of speech. And the test of our commitment to freedom is not when we allow people with whom we agree to speak -- but when we allow people ~~whom~~ whom we detest to speak. The city of San Francisco and San Franciscans detest the Nazis, but we must allow them to speak, within the limits of the First Amendment. The courts would force us to let them speak, if we did not, and the courts would be right.

~~The~~ The Board of Education must let anyone enter the hall when there is a public meeting in session - but the Board should not tolerate any disturbance or physical violence. The Board of Education must let anyone speak, when there is such a meeting, but the Board should not tolerate any speech which is not related directly to the subject at hand. And the Board of Education must make sure that the police enforce such proscriptions." And San Franciscans should express their disgust with these alien Nazi symbols in ways short of violence or disruption. The Nazis want to engage and be engaged in violence; they want, above all, to disrupt. San Franciscans should not play their game. Let's enforce the rules, get on with our business, and this pitiable one ten thousandth of one per cent will disappear back into their holes, as they have before.

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5

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

## COMMISSIONERS

April 19, 1985

1515 K Street  
Suite 371  
Sacramento, CA  
95814

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Riverside

John Saito  
Los Angeles

Diane Yu  
Oakland

Marty Mercado  
Coordinator  
(916) 324-7859

Letter sent to all City Attorneys, DA's, District Attorneys Association, Peace Officers Association, and Sheriff's Association, and Public Defender's Association, and major civil rights organizations

In May of 1984, Attorney General John Van de Kamp established the Commission on Racial, Ethnic, Religious and Minority Violence as a response to a growing and disturbing trend toward violence against members of racial, ethnic, religious and other minority groups. In an effort to deal most effectively with this area of growing concern, the RERMV Commission has been divided into three subcommittees - Education/Community Relations, Litigation, and Legislation.

The primary purpose of the Legislation subcommittee is to assess the deficiencies of current law and make specific recommendations for legislation to improve and strengthen the laws to combat crimes whose motivation is based on racial or religious bigotry.

The Ralph Civil Rights Act of 1976 provides that "...all persons have the right to be free from any violence or intimidation by threat of violence, committed because of their race, color, religion, ancestry, national origin, political affiliation, sex, or position in a labor dispute...". Further, the bill provides civil remedies for a violation of the right, and authorizes the Attorney General to bring an action under appropriate circumstances.

It appears that the Ralph Act is not being used for the intent for which it was established, and we are interested in trying to determine reasons why not, how it could be strengthened, if necessary, and, in addition, to also look at criminal remedies already on the books to see if they are effective and sufficient.

In addition, SB 2080 (Chap. 1482, Statutes of 1984) which became effective January 1, 1985, requires that the Attorney General commence a one-year project to develop a program model to collect, compile, and analyze information on racially, ethnically, and religiously - motivated crimes. SB 2080 requires that the project "...include, but not be limited to, development of uniform guidelines for consistent identification of racial, ethnic, and religious crimes...".

Attached are proposed definitions and guidelines which have been developed for this purpose. We solicit your input with respect to these guidelines and definitions, and welcome any comments or suggestions you may have.

In order to address these and other related questions, to solicit ideas on legislative reforms, the Legislative Subcommittee will hold a hearing on Thursday, May 23, 1985 in the City Council Chambers, in Los Angeles, beginning at 9:00 a.m. We also plan to hold a hearing in San Francisco probably in late June.

We are requesting that participants address specific suggestions for criminal or civil legislation, and have developed the attached questionnaire for this purpose. In order that we have the benefit of your input, we would appreciate your completing and returning the questionnaire whether you plan to attend the hearing or not.

If you wish to testify at the hearing, please contact Marty Mercado, Coordinator, at (916) 324-7859 by May 8 to allow for proper planning. As soon as the agenda has been finalized, we will send you a copy.

We appreciate your attention and consideration, and look forward to hearing from you.

Sincerely yours,



DIANE C. YU, Chairperson  
Legislation Subcommittee

cc: RERMV Commission members

Enclosures: questionnaire  
SB 2080 Guidelines and Definition  
Ralph Civil Rights Act

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

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Riverside

John Saito  
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Diane Yu  
Oakland

Marty Mercado  
Coordinator  
(916) 324-7859

February 6, 1985

Allan Sidle, MD  
Chairman  
City of Palo Alto  
Human Relations Commission  
City Hall  
250 Hamilton Avenue  
Palo Alto, CA 94301

Dear Dr. Sidle:

The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence will meet in San Francisco on Monday, March 4, at the State Bar Association Building, 555 Franklin Street.

The Commission has been hearing presentations by those agencies involved in human rights issues, and is particularly interested in recent findings and recommendations.

We have invited the California Association of Human Rights organizations to make a presentation, since it is the umbrella agency for several of the Human Rights Commissions. However, we would like to invite your attendance at the meeting, and if you wish to have input, to send your comments in writing to the Commission. We have developed a list of questions the Commission is seeking information on to assist them in formulating specific recommendations. Your assistance would be much appreciated.

If you have any questions, please do not hesitate to call me. I can be reached at (916) 324-7859.

Thank you for your attention and consideration.

Sincerely,

*William Barry*  
MONSIGNOR WILLIAM J. BARRY  
Chairman

WJB:dah

Enclosure

1515 K Street  
Suite 371  
Sacramento, CA  
95814

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

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Diane Yu  
Oakland

Marty Mercado  
Coordinator  
(916) 324-7859

February 6, 1985

David Broaden  
Coordinator  
City of Vallejo  
Human Relations Commission  
City Hall  
734 Marin Street  
Vallejo, CA 93003

Dear Mr. Broaden:

The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence will meet in San Francisco on Monday, March 4, at the State Bar Association Building, 555 Franklin Street.

The Commission has been hearing presentations by those agencies involved in human rights issues, and is particularly interested in recent findings and recommendations.

We have invited the California Association of Human Rights organizations to make a presentation, since it is the umbrella agency for several of the Human Rights Commissions. However, we would like to invite your attendance at the meeting, and if you wish to have input, to send your comments in writing to the Commission. We have developed a list of questions the Commission is seeking information on to assist them in formulating specific recommendations. Your assistance would be much appreciated.

If you have any questions, please do not hesitate to call me. I can be reached at (916) 324-7859.

Thank you for your attention and consideration.

Sincerely,

MONSIGNOR WILLIAM J. BARRY  
Chairman

WJB:dah

Enclosure

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**ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,  
RELIGIOUS, AND MINORITY VIOLENCE**



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Attorney General

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Diane Yu  
Oakland

~~~~~  
Marty Mercado  
Coordinator  
(916) 324-7859

February 6, 1985

Adriene Isabelle  
Director  
City of Richmond  
Commission on Human Relations  
City Hall  
Civic Center Plaza  
Richmond, CA 94808

Dear Ms. Isabelle:

The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence will meet in San Francisco on Monday, March 4, at the State Bar Association Building, 555 Franklin Street.

The Commission has been hearing presentations by those agencies involved in human rights issues, and is particularly interested in recent findings and recommendations.

We have invited the California Association of Human Rights organizations to make a presentation, since it is the umbrella agency for several of the Human Rights Commissions. However, we would like to invite your attendance at the meeting, and if you wish to have input, to send your comments in writing to the Commission. We have developed a list of questions the Commission is seeking information on to assist them in formulating specific recommendations. Your assistance would be much appreciated.

If you have any questions, please do not hesitate to call me. I can be reached at (916) 324-7859.

Thank you for your attention and consideration.

Sincerely,

*William J. Barry*  
MONSIGNOR WILLIAM J. BARRY  
Chairman

WJB:dah

Enclosure

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



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Attorney General

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Oakland

~~~~~  
Marty Mercado  
Coordinator  
(916) 324-7859

February 6, 1985

Janice Stewart  
City of Modesto  
Human Relations Commission  
P. O. Box 642  
Modesto, CA 95353

Dear Ms. Stewart:

The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence will meet in San Francisco on Monday, March 4, at the State Bar Association Building, 555 Franklin Street.

The Commission has been hearing presentations by those agencies involved in human rights issues, and is particularly interested in recent findings and recommendations.

We have invited the California Association of Human Rights organizations to make a presentation, since it is the umbrella agency for several of the Human Rights Commissions. However, we would like to invite your attendance at the meeting, and if you wish to have input, to send your comments in writing to the Commission. We have developed a list of questions the Commission is seeking information on to assist them in formulating specific recommendations. Your assistance would be much appreciated.

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Thank you for your attention and consideration.

Sincerely,

*William Barry*  
MONSIGNOR WILLIAM J. BARRY  
Chairman

WJB:dah

Enclosure

1515 K Street  
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RERMV Commission Meeting 3/4/85

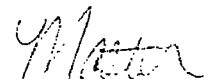
1. Can you identify any common factors which appear in the incidents of violence which are of concern to your constituent community or communities, such as geographical areas: age, race, ethnicity, religion, or other identifiable attribute (e.g., disability, sexual orientation, gender) of the victims and/or perpetrators; or circumstances surrounding the incidents (e.g., alcohol or drug-related, public transportation, time of day or year)?

2. Are you aware of any recent change in the frequency of the incidents of violence? If so, can you identify any factors which you believe have contributed (positively or negatively) to this change?

3. What has been the response of local government and law enforcement to the problems of violence which are of particular concern to your constituent community or communities? Can you identify any factors which you believe have contributed (positively or negatively) to local governments' and law enforcements' reactions to your community's (or communities') concerns. What more could local government or law enforcement do to alleviate these problems of violence?

4. Can you identify any deficiencies in state law which, if remedied, would alleviate the problems of violence which are of concern to your constituent community or communities?

5. In what ways could the Attorney General assist in alleviating the violence which is of concern to your constituent community or communities.

  
\_\_\_\_\_

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

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(916) 324-7859

TO: RERMV COMMISSION MEMBERS

SUBJECT: NEXT MEETING - DATE CHANGE

As a result of our telephone canvass, it appears that except for Bishop Herzfeld, and a couple of others, the change in date for the March meeting poses no problem. Therefore, the meeting will be held on Monday, March 4, beginning at 9:00 a.m. The place remains the same: The State Bar Association Building, 555 Franklin Street, San Francisco.

We are making arrangements for the subcommittees to meet on Sunday evening from 7:00 - 9:00 p.m. This will give you most of the day free. If you prefer an earlier meeting time, please let me know. We have reserved a block of rooms at The Franciscan Hotel, bet. 8th & 9th on Market, at the Civic Center. We have reserved these rooms at the government rate, and it would be desirable, if you do not have other arrangements, to all stay at the same place. Please let me know if you will need a room or not (see attached form). Subcommittee meetings will be held at the hotel.

Because some of you have difficulty staying Tuesday, the meeting with enforcement agencies will be scheduled for Monday during the lunch period. The intent is to have the <sup>committee</sup> ~~chair~~ meet with enforcement representatives and bring in sandwiches. Therefore, Commissioners are on their own for lunch, unless you wish to participate in the meeting. If so, please let me know so that we will know the approximate number attending to make the proper arrangements.

A question was raised ~~by~~ whether gays/lesbians were covered under SB 2080 to be included in the pilot study, since they were not specifically mentioned. The answer is no, which means that no monies from SB 2080 can be expended for this purpose. However, the Attorney General can include them, as long as any cost for this purpose comes from his own administrative funds. Since it was determined that the cost would be minimal, the Attorney General has requested that these groups be included in the pilot study.

Some of you were contacted by Carl Payne from Sandi Grout's office, Bureau of Special Services, re suggestions for enforcement agencies to be contacted to participate in the pilot study. Agencies being considered include: San Jose, San Diego, Fresno, Sacramento, Compton, Oakland. Time will be allowed for additional input by members at the March 4 meeting.

RERMV Commission Members

1/25/85

page two

You probably have all heard by now that we had a fire in our building a week ago Friday. The fourth floor of the 6-floor building was extensively damaged, and other floors suffered water and/or smoke damage. Luckily, my office was spared! (I'm on the third floor of the building) Except for a window which was broken to let in ventilation, no other damage, except soot! was suffered. So, after the holidays, and the fire, we are a little behind schedule, but we're trying to catch up. Please return your questionnaire as soon as possible! 😊

Sincerely,

  
MARTY MERCADO,  
Coordinator

MM:dah

**ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,  
RELIGIOUS, AND MINORITY VIOLENCE**



John Van de Kamp  
Attorney General

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Coordinator  
(916) 324-7859

January 23, 1985

Bishop Will Herzfeld  
Association of Evangelical  
Lutheran Churches  
959 12th Street  
Oakland, CA 94607

Dear Will:

Congratulations on your elevation as Bishop of the Association of Evangelical Lutheran Churches! This is an honor well deserved.

We know you will have your hands full so your time spent with us and the benefit of your participation on the Commission is indeed appreciated.

Our sincere best wishes.

Sincerely,

*William J. Barry*  
MONSIGNOR WILLIAM J. BARRY  
Chairman

WJB:dah

cc: RERMV Commission Members

1515 K Street  
Suite 371  
Sacramento, CA  
95814

UNITED STATES COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C. 20425



STAFF DIRECTOR

January 16, 1985

Monsignor William J. Barry  
Chairman, Department of Justice  
Attorney General's Commission on  
Racial, Ethnic, Religious, and  
Minority Violence  
1515 K Street, Suite 371  
Sacramento, California 95814

Dear Monsignor Barry:

Thank you for your letter expressing concern about violence and other abuse directed against homosexuals.

The Commission is currently developing its program for FY 1987. Projects for the current fiscal year are already well underway and require all of the Commission's appropriated resources. They include studies on school desegregation, voting rights, affirmative action, housing discrimination and comparable worth.

While I would not exclude the possibility that the Commission will vote to study issues related to the administration of justice and violence directed against homosexuals, the Commission has twice deferred action on a proposal to study this issue.

Your interest and concern will be conveyed to the Commissioners. However, the Commission cannot always study every issue that deserves attention because of our limited resources, and it is within the discretion of the Commission to establish its own priorities.

Sincerely,

A handwritten signature in cursive script, reading "Linda Chavez".

LINDA CHAVEZ



# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE

John Van de Kamp  
Attorney General

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(916) 324-7859

April 23, 1985

Hon. Leon L. Williams  
Member, County of San Diego  
Board of Supervisors  
1600 Pacific Highway, Room 335  
San Diego, CA 92101

Dear Supervisor Williams:

Enclosed is a copy of a resolution adopted by the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence at its meeting in San Francisco on March 4, supporting creation of a San Diego County Human Relations Commission.

In adopting the resolution, however, the Commission was aware of the controversy over including gays and lesbians in the protected group, and that the commission being proposed does not create any "rights" for individuals or groups..

While the Commission recognizes that it is important not to jeopardize creation of the Commission, which must be the first step to providing a forum for resolution of problems of intolerance, we hope and urge that the Board has not shut the door to protection to special groups, who because of their vulnerability, need additional protection.

Sincerely,

Monsignor William J. Barry  
Chairman

WJB:dah

Enclosure

bcc: . RERMV Commission

1515 K Street  
Suite 371  
Sacramento, CA  
95814

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

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Coordinator  
(916) 324-7859

## RESOLUTION

1515 K Street  
Suite 371  
Sacramento, CA  
95814

RE: Proposed San Diego County Human Relations Commission

**WHEREAS**, The 1982 Governor's Task Force on Civil Rights found that violence based on discriminatory motivation is a pervasive fact of life in many communities; and

**WHEREAS**, injustices and inequities resulting from prejudice, intolerance and discrimination against individuals or groups promotes tension and conflict and constitute a threat to the public safety and welfare; and

**WHEREAS**, Attorney General John Van de Kamp established the Commission on Racial, Ethnic, Religious, and Minority Violence as a response to a growing and disturbing trend toward violence against members of minority groups; and

**WHEREAS**, the commission was formed to monitor and raise public awareness of incidents of this nature and to make recommendations to deal with this problem; and

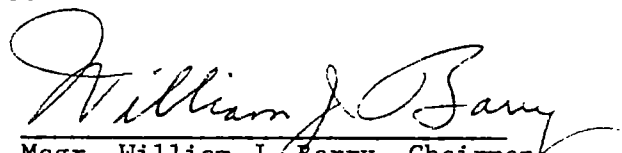
**WHEREAS**, it has come to our attention that since 1978 violence against groups and individuals in San Diego County has increased as has the demographic make up of San Diego; and

**WHEREAS**, a proposal to create a Human Relations Commission in San Diego County has been put forth to the Board of Supervisors; and

**WHEREAS**, in order for the Human Relations Commission to be effective it is imperative that adequate funding be provided;

**NOW, THEREFORE, BE IT RESOLVED** that the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence fully supports and endorses the creation of a Human Relations Commission in San Diego County to promote and foster mutual respect and understanding among all groups; and

**BE IT FURTHER RESOLVED**, that the Attorney General's Commission urges the San Diego County Board of Supervisors to create a County Human Relations Commission, and to provide appropriate and adequate funding to assure its effectiveness.

  
Msgr. William J. Barry, Chairman  
AG's Commission on Racial, Ethnic  
and Minority Violence

Adopted March 4, 1985

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

## COMMISSIONERS

April 23, 1985

1515 K Street  
Suite 371  
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Riverside

John Saito  
Los Angeles

Diane Yu  
Oakland

~~~~~  
Marty Mercado  
Coordinator  
(916) 324-7859

Dr. Bill Honig  
Superintendent of Public  
Instruction  
Department of Education  
721 Capitol Mall  
Sacramento, CA 95814

Dear Dr. Honig:


At a recent meeting of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence, a presentation was made by Dr. Reuben Burton, Manager of the Office of Intergroup Relations, on the responsibilities and activities of that office. The purpose of this letter is to express the Commission's interest in and support for the Office of Intergroup Relations and for the efforts they are making to assist school districts in some very difficult, sensitive and critically important areas.

The Commission commends your reform efforts focused upon bringing about a high level of academic excellence in our schools through the development and implementation of high standards, high expectations and a required core curriculum. We are concerned that these goals cannot be met in a school atmosphere where racial, ethnic, and religious violence or discriminatory practices are common place. It is our understanding that the Office of Intergroup Relations has the knowledge and experience to provide on-site assistance and training to school personnel in reducing school violence (especially racial, ethnic, religious, and violence against minorities), and in providing a school atmosphere that is nondiscriminatory, assuring all students an equal educational opportunity.

It is our hope that the efforts of the Office of Intergroup Relations will be strengthened with appropriate staff and funding levels. Such action would provide visible evidence of your commitment to the elimination of anti-minority violence on our school campuses.

The Commission would be delighted if Dr. Burton could be officially named as the department's liaison to the Commission. We have had the opportunity to meet Dr. Burton and hear from him, and would anticipate a profitable working relationship.

Respectfully,

  
Monsignor William J. Barry  
Chairman

WJB:dah

bcc: RERMV Commission  
John Van de Kamp  
Nelson Kempfsky  
Marian Johnston  
Manny Medeiros  
Louis Verdugo  
Henry Torres

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

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Oakland

~~~~~  
Marty Mercado  
Coordinator  
(916) 324-7859

February 21, 1985

TO: RERMV COMMISSION

Finally! Enclosed is a copy of the minutes of the December meeting, for your review before they are sent out in final. Please let Dolores know if you have any changes.

The following action items from the last meeting have been completed:

Letter to Marin Human Rights Commission and S. F. Foundation commending them for the work of the Human Resources Center.

Letter to the U.S. Senate Foreign Relations Committee supporting their stand against South African apartheid policies. (attached)

Letter to Superintendent of Public Instruction regarding the Office of Intergroup Relations. (attached) *(Will follow in next mailing.)*

Letter to Executive Director, OCJP, requesting information on status of funds provided for training under AB 985 of 1982.

Letter to U.S. Civil Rights Commission re including violence against gay and lesbian persons in national study.


Community Relations course content from POST basic training course sent to committee chairs.

Dr. Reuben Burton, Office of Intergroup Relations, Dept. of Education, has been invited to meet with the Education subcommittee on Sunday. I have also asked Fred Persily, Executive Director of the Marin Human Resources Center, to meet with the Education subcommittee.

Enclosed is a list of enforcement agencies contacted and those who have confirmed attendance at the March 4 meeting.

Looking forward to seeing you on the 3rd....

Sincerely,

  
MARTY MERCADO  
Coordinator

Enclosures

1515 K Street  
Suite 371  
Sacramento, CA  
95814

*Chron*

**ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,  
RELIGIOUS, AND MINORITY VIOLENCE**



John Van de Kamp  
Attorney General

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~~~~~  
Marty Mercado  
Coordinator  
(916) 324-7859

February 7, 1985

Diane Yu, Chairperson  
Legislative Committee  
Court Commissioner  
Alameda County Superior Court  
1221 Oak Street  
Oakland, CA 94612

Dear Diane:

RE: LEGISLATIVE PROPOSAL

The proposal approved at the December meeting, that legislation be introduced this session which would give the Attorney General express authority to train police, district attorney's, and city attorney's in the area of community relations was referred to the Attorney General for his consideration.

It appears that this additional authority is not needed. The Department of Justice already contracts with POST for training so this could be done within existing authority.

Further, the Attorney General indicated that he is reluctant to break away from traditional jurisdictional lines; i.e., why shouldn't POST have this authority? He suggested a letter to him from the Commission giving the background for the request, reasons, etc.

He also suggests that the Commission should write to POST asking them to mandate this training, if that is what they wish to do.

This could be an agenda item for discussion at subcommittee meeting on Sunday, March 3.

Sincerely,

*Marty Mercado*  
MARTY MERCADO  
Coordinator

MM:dah

cc: David Kassoy  
John Mack  
Armando Rodriguez  
Monsignor William Barry  
Alice Lytle

cc - MARIAN JOHNSON  
MARX4

1515 K Street  
Suite 371  
Sacramento, CA  
95814

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

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~~~~~  
Marty Mercado  
Coordinator  
(916) 324-7859

February 6, 1985

Chairman  
Human Resources Commission  
330 West Twentieth Avenue  
San Mateo, CA 94403

Dear Chairman:

The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence will meet in San Francisco on Monday, March 4, at the State Bar Association Building, 555 Franklin Street.

The Commission has been hearing presentations by those agencies involved in human rights issues, and is particularly interested in recent findings and recommendations.

We have invited the California Association of Human Rights organizations to make a presentation, since it is the umbrella agency for several of the Human Rights Commissions. However, we would like to invite your attendance at the meeting, and if you wish to have input, to send your comments in writing to the Commission. We have developed a list of questions the Commission is seeking information on to assist them in formulating specific recommendations. Your assistance would be much appreciated.

If you have any questions, please do not hesitate to call me. I can be reached at (916) 324-7859.

Thank your for your attention and consideration.

Sincerely,

MONSIGNOR WILLIAM J. BARRY  
Chairman

WJB:dah

Enclosure

1515 K Street  
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Sacramento, CA  
95814

**ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,  
RELIGIOUS, AND MINORITY VIOLENCE**



John Van de Kamp  
Attorney General

COMMISSIONERS

Msgr. William J. Barry, Chair  
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Thomas F. Coleman  
Glendale

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Rev. Will L. Herzfeld  
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dge Alice Lytle  
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John Mack  
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Leticia Quezada  
Los Angeles

Judge Armando O. Rodriguez  
Fresno

Dr. Hazel Hawkins-Russell  
Riverside

John Saito  
Los Angeles

Diane Yu  
Oakland

Marty Mercado  
Coordinator  
(916) 324-7859

January 31, 1985

Mr. James McEntee, President  
Calif. Association of Human Rights  
Organizations  
County Government Center -5th Flr. E. Wing  
70 W. Hedding Street  
San Jose, California 95110

Dear Mr. McEntee:

This is to confirm our telephone conversation today regarding your presentation to the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence at their meeting in San Francisco on Monday, March 4, at the State Bar Building, 555 Franklin Street.

The Commission has been hearing presentations by those agencies involved in human rights issues, and a presentation on what your organization is doing, particularly any recent findings and recommendations would be most appropriate.

Because of time constraints it is difficult to schedule time for all the human rights commissions in the area to make presentations. Since we understand you have 27 member agencies, we would appreciate it if your presentation could cover those agencies as well.

The meeting is scheduled to start at 9:00 a.m. We are in the process of developing the agenda, and as soon as it is finalized, a copy will be sent to you. It appears that your presentation will be scheduled for sometime in the morning.

Thank you for your attention and consideration. If you have any questions, please give me a call.

Sincerely yours,

MARTY MERCADO  
Coordinator

cc: Msgr. William Barry

1515 K Street  
Suite 371  
Sacramento, CA  
95814

**ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,  
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John Saito  
Los Angeles

Diane Yu  
Oakland

~~~~~  
Marty Mercado  
Coordinator  
(916) 324-7859

Janaury 28, 1985

Sheriff Robert E. Winter  
Santa Clara County Sheriff's Office  
180 West Hedding Street  
San Jose, CA 95110

Dear Sheriff Winter:

Attorney General John Van de Kamp has established a Commission on Racial, Ethnic, Religious and Minority Violence in response to what appears to be a growing and disturbing trend toward violence against members of racial, ethnic, religious and other minority groups. A copy of the Commission's mandate is attached for your information.

The Commission has been exploring enforcement of cases under the Ralph Civil Rights Act and how this can be strengthened. In order to make pertinent recommendations to the Attorney General, the Commission would like to have the benefit of your views, and is extending an invitation to you and other enforcement agencies to meet with them.

The Commission will meet on Monday, March 4, at the State Bar Association Building, 555 Franklin Street, in San Francisco. We have scheduled a "working lunch" from 12 noon until 2:00 p.m. and would welcome your participation. Sandwiches and coffee will be provided.

We appreciate your consideration and look forward to your participation. Please let us know as soon as possible if you will be able to attend so that we may finalize details.

Sincerely,

*William J. Barry*  
MSGR. WILLIAM J. BARRY  
Chairman

cc: Alice Lytle  
Diane Yu  
Bishop Will Herzfeld

P.S. Please notify Marty Mercado if you will attend the meeting, (916) 324-7859.

1515 K Street  
Suite 371  
Sacramento, CA  
95814

Chief Leslie D. Sourisseau  
President, California Police  
Chiefs Association  
2012 H Street, Suite 102  
Sacramento, CA 95814

William A. O'Malley  
Office of the District Attorney  
County of Contra Costa  
P. O. Box 670  
Martinez, CA 94553

John J. Meehan  
Office of the District Attorney  
County of Alameda  
1225 Fallon Street, Room 900  
Oakland, CA 94612

Arlo Smith  
Office of the District Attorney  
County of San Francisco  
880 Bryant Street  
San Francisco, CA 94103

Salvatore V. Rosano  
Chief of Police  
P. O. Box 1678  
Santa Rosa, CA 95402

Tom Murphy  
Chief of Police  
850 Bryant Street  
San Francisco, CA 94103

Sheriff Bud Cook  
Monterey County Sheriff's Office  
P. O. Box 809  
Salinas, CA 93901

Ronald D. Nelson  
Chief of Police  
Hall of Justice  
2171 McKinley Avenue  
Berkeley, CA 94703

Sheriff Brendan P. Maguire  
San Mateo County Sheriff's Office  
401 Marshall Street  
Redwood City, CA 94063

Sheriff Robert E. Winter  
Santa Clara County Sheriff's Office  
180 West Hedding Street  
San Jose, CA 95110

# *Law Enforcement Agencies*

Chief Leslie D. Sourisseau  
President, California Police Chiefs Association  
2012 H Street, Suite 102  
Sacramento, CA 95814  
(213) 724-9500

(Marty, his secretary will call you  
back on 2/11/85 to let you know.  
After the weekend he will no longer  
be the President of CPCA)

*CV*  
Sheriff Bud Cook  
President, Sheriff's Association  
Monterey County Sheriff's Office  
P. O. Box 809  
Salinas, CA 93901  
(408) 424-6487

(Marty, his secretary Esther will  
call back on 2/11/85 to let you know.)

Salvatore V. Rosano  
President, California Peace  
Officers Association  
Chief of Police  
P. O. Box 1678  
Santa Rosa, CA 95402  
(707) 576-5342

(will call back)

Cornelius Murphy  
Chief of Police  
850 Bryant Street  
San Francisco, CA 94103  
(415) 553-1551

(will call back)

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

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Oakland

~~~~~  
Marty Mercado  
Coordinator  
(916) 324-7859

April 17, 1985

TO ALL RERMV COMMISSION MEMBERS

Enclosed are various clippings, etc. that we have been accumulating!

Under separate cover you will receive your Certificate of Appointment. I am sorry we are so late in getting these to you we had hoped to have them ready to give to you at the March meeting, but at least you did not have to carry them home with you!

As you know, the date for the June meeting is Monday, June 10. The meeting will be held at the Riverside City Council Chambers. The subcommittees will meet on Sunday, June 9. A block of rooms has been reserved at the Mission Inn in Riverside. Please return the enclosed reservation form so that proper arrangements can be made for you.

Dr. Russell has graciously invited all commission members to a barbecue at her home Sunday evening. Therefore, I suggest committee meetings be held from 3 - 5 p.m. We will arrange for committees to meet at the hotel.

The public hearing requested by the Legislative Committee has been scheduled for Thursday, May 16th, at the City Council Chambers in Los Angeles, City Hall, 200 N. Main Street. The hearing will be chaired by the legislative committee members, however, you are all invited to attend if you wish - please let us know! As soon as the agenda has been finalized you will be sent a copy.

Attached are the definitions and guidelines as developed by Sandi Grout for the SB 2080 project. Please note the transmittal from James Rasmussen and the concern about releasing these documents. They are being sent to you for your review at this time with the request that the information not be released to the press. If you have any questions or comments, please let me know.

Please return the enclosed reservation form so that proper arrangements can be made.

Sincerely yours, *Regards*

*Marty*  
MARTY MERCADO  
Coordinator

MM:dah

Enclosures

1515 K Street  
Suite 371  
Sacramento, CA  
95814

# Memorandum

To : Marty Mercado, Chief  
Community and Consumer Affairs  
Attorney General's Office  
1515 K. Street  
Sacramento

Date : April 11, 1985

File No.:

Telephone: ATSS 497-3198  
739-3198

From : R. James Rasmussen, Chief  
**Bureau of Criminal Statistics and Special Services**  
Sacramento

Subject: RACIAL, ETHNIC, AND RELIGIOUS CRIMES PROJECT (SB 2080)

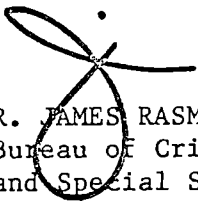
Attached are the "Data Collection Design" and "Definitions and Guidelines" for the SB 2080 project. The procedures and general guidelines presented in both documents will be tested in selected counties during a 4-5 month data collection phase, tentatively scheduled for May 15 - September 30, 1985.

The "Data Collection Design" identifies the counties which gave tentative approval to participate in the project contingent upon their review of the attached documents. It is anticipated the documents will be forwarded to these counties by April 17, 1985.

Proposed changes identified as a result of the data collection phase and by the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence can be incorporated into the documents prior to the final report to the Legislature.

There are some concerns about releasing these documents in a press conference at this time. SB 2080 provides one year for development of the definitions and guidelines to be presented to the Legislature. Any release prior to conclusion of the data collection phase would be premature and might compromise our relationship with local agencies.

If you have any questions or comments, please contact me at 739-3198.



R. JAMES RASMUSSEN, Chief  
Bureau of Criminal Statistics  
and Special Services

RJR:em  
Attachments

cc: Glen B. Craig  
Fred H. Wynbrandt

CALIFORNIA DEPARTMENT OF JUSTICE  
DIVISION OF LAW ENFORCEMENT  
BUREAU OF CRIMINAL STATISTICS AND SPECIAL SERVICES

**RACIAL, ETHNIC, AND RELIGIOUS CRIMES PROJECT (SB 2080)**  
**DATA COLLECTION DESIGN**

**BACKGROUND**

In the past several years, minority-motivated crimes and incidents have increased throughout the State and country. Minority-motivated acts not only have a devastating effect on the individual victim, but also threaten the democratic foundations of our society.

In the passage of Senate Bill (SB) 2080, which became effective January 1, 1985 (Penal Code (PC) Sections 13870–13872), the California Legislature declared that the exposure of the facts about racial, ethnic, and religious crimes will lead to greater public awareness of the problem of bigotry and prejudice and will provide a foundation for developing remedies to the problem.

The specific objective of SB 2080 is to develop a program model for a statewide information center to collect, compile, and analyze information on racial, ethnic, and religious crimes. This one-year project is being administered by the California Department of Justice, Division of Law Enforcement under the direction of Attorney General John K. Van de Kamp. Subsequent to passage of SB 2080, the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence requested that crimes motivated by sexual orientation (gays, lesbians, etc.) also be included in the pilot project because of the increasing incidence and severity of such crimes in California.

**POLICY**

Each criminal justice agency has an obligation to investigate crimes motivated by race, ethnicity, religion, or sexual orientation, and to recognize and react in a supportive manner to the emotional trauma experienced by victims, families, and citizens in communities where these crimes occur. Special attention must be focused on sensitizing employees of criminal justice agencies responding to such crimes to ensure that they:

- Approach victims in an empathetic and supportive manner.
- Effectively calm the victim and reduce the victim's alienation.
- Reassure the victim that every available investigative and enforcement tool is being utilized to identify and prosecute the person(s) responsible for the crime/incident.
- Recognize and address tensions and alienations within the community as a result of such crimes/incidents.

It should be the policy of each law enforcement agency in California to respond in a timely and effective manner to all reported or observed crimes/incidents motivated by race, ethnicity, religion, or sexual orientation. The actions taken by all law enforcement personnel in dealing with such crimes are visible signs of concern and commitment to the community on the part of the Attorney General and every law enforcement agency within the State.

## RESPONSIBILITIES

The Department of Justice (DOJ), Division of Law Enforcement is responsible for:

- Developing uniform guidelines for consistent identification of crimes/incidents motivated by race, ethnicity, religion, or sexual orientation.
- Training key personnel of law enforcement agencies participating in the pilot project in the identification of reportable crimes/incidents and the submission of information on these crimes/incidents to DOJ.
- Recommending an appropriate means for statewide collection of data on such crimes.
- Recommending an appropriate state agency to implement ongoing collection of this information.
- Preparing a final report to the Legislature describing the project findings.

Law Enforcement agencies selected to participate in the pilot project are responsible for:

- Reviewing the guidelines and data collection vehicle developed by DOJ.
- Training employees in the identification of and response to crimes/incidents motivated by race, ethnicity, religion, or sexual orientation.
- Encouraging special interest groups within their communities, including NAACP, victim assistance groups, the Human Relations Commission, and other minority groups, to report such crimes to their local law enforcement agency.
- Submitting crime/incident reports to DOJ on all such crimes/incidents which occur during the data collection phase of the one-year pilot project.
- Evaluating the effectiveness of the guidelines and definitions developed by DOJ within their respective communities.

## DATA COLLECTION PROCEDURES

### I. Participating Agencies (based on preliminary agreement)

- |                               |                                |
|-------------------------------|--------------------------------|
| • Compton Police Department   | • Sacramento Police Department |
| • Fresno Sheriff's Office     | • Sacramento Sheriff's Office  |
| • Inglewood Police Department | • San Jose Police Department   |
| • Oakland Police Department   | • Riverside Police Department  |

### II. Activities for the Data Collection Phase

- |                                |                                                                                                                                                                              |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 19, 1985                 | DOJ provides copies of data collection design, definitions, and guidelines to participating law enforcement agencies.                                                        |
| May 1, 1985                    | Law enforcement agencies submit final confirmation to DOJ of their participation in the pilot project.                                                                       |
| May 1-10, 1985                 | DOJ provides training in identification and reporting of crimes/incidents to key personnel in participating agencies.                                                        |
| May 15 -<br>September 30, 1985 | Participating agencies submit reports on reportable crimes/incidents to DOJ. DOJ staff will provide consultation and additional training, as needed, throughout this period. |

June 1 – October 31, 1985	DOJ compiles reports from participating agencies and evaluates information in accordance with guidelines and definitions.
October 15, 1985	Participating agencies provide DOJ with evaluation of the effectiveness of the definitions and guidelines within their agencies, and make recommendations for changes.
December 1, 1985	DOJ evaluates and revises definitions and guidelines, and develops proposed procedures for statewide reporting of such crimes/incidents.
January 1, 1986	DOJ makes final report to California Legislature on project findings.

### III. Data Collection Form

From May 15, 1985 through September 30, 1985, participating law enforcement agencies shall send copies of all crime/incident reports to DOJ for any criminal or noncriminal acts identified to be motivated by race, ethnicity, religion, or sexual orientation pursuant to the attached definitions and guidelines (Attachment A). A copy of DOJ form number SS-8040, "Supplemental Report for Racial, Ethnic, and Religious Crimes Project (SB 2080)" (Attachment B), shall be completed and attached to each crime/incident report. Instructions for completion of form SS-8040 are provided on the reverse of each form. Each crime/incident report and DOJ form should be forwarded to DOJ *immediately* upon completion.

## RACIAL, ETHNIC, AND RELIGIOUS CRIMES PROJECT (SB 2080)

## DEFINITIONS AND GUIDELINES

## DEFINITIONS

A reportable crime/incident, for the purposes of SB 2080, is any act or attempted act to cause physical injury, emotional suffering, or property damage, which is or appears to be motivated, all or in part, by the victim's race, ethnicity, religion, or sexual orientation.

**Motivation** – Incentive, inducement, desire, emotion, or similar impulse resulting in some type of action.

**Race** – Any group or class of individuals with common characteristics distinguished by form of hair, color of skin and eyes, stature, bodily proportions, etc., that are genetically transmitted to classify it as a distinct human type.

**Ethnic Group** – Any group or class of individuals within a culture or social system that can be distinguished on the basis of variable traits including nationality, religion, linguistics, ancestry, physical characteristics, traditions, attire, etc.

**Religion** – A personal awareness or conviction of the existence of a supreme being, supernatural powers, or influences controlling one's own humanity or all nature's destiny.

**Sexual Orientation** – The direction of sexual, emotional, and/or physical attraction and preference, which may be primarily towards persons of the opposite sex (heterosexuality), primarily towards persons of the same sex (homosexuality), or toward both in some proportion (bisexuality). Sexual orientation develops independently from gender identity and gender role. It is not possible to determine a person's sexual orientation solely by his/her dress, mannerisms, choice of occupations, or any other visible factor.

## IDENTIFICATION OF REPORTABLE CRIMES

## A. Criteria

The following criteria should be used in determining whether a crime/incident was motivated by race, ethnicity, religion, or sexual orientation. The criteria, which should be applied singularly and in combination, are not all inclusive but provide a general guideline for consistent identification of such crimes.

1. A lack of any other apparent motive for the act (financial gain, sexual gratification, etc.).
2. A symbol(s), word(s), or act(s) which is or may be offensive to a specific race, ethnic group, religious group, or persons with differing sexual orientation (swastika, cross burning, "nigger," "queer," etc.).
3. Statements/actions of the victim(s), suspect(s), and other involved parties.

4. Prior history of similar crimes/incidents in same area or against the same victim group.
5. Community response to the crime/incident.

**B. Questions to Consider When Identifying Crimes/Incidents Motivated by Race, Ethnicity, Religion, or Sexual Orientation**

1. Did the incident occur solely because of racial, ethnic, religious, or sexual differences between the persons/groups or for other reasons (childish pranks, unrelated vandalism, school rivalry, etc.)?
2. Has the victim or victim group been subjected to repeated attacks of a similar nature?
3. Is the victim the only minority group member in the neighborhood or one of a few?
4. Did the victim recently move into the area; is the victim acquainted with neighbors and/or local community groups?
5. When multiple incidents occur at the same time, are all victims of the same race, ethnicity, religion, or sexual orientation?
6. Has the victim been associated with any recent or past activities relating to his/her race, ethnicity, religion, or sexual orientation (e.g., NAACP, gay rally, demonstrations by or against the Klan or American Nazi Party, etc.)?
7. Has there been prior/recent news coverage of events of a similar nature?
8. What was the manner and means of attack (e.g., color of paint, correctness of the spelling of words, symbols or signs used, etc.)? Is it similar to other documented incidents?
9. Is there an ongoing neighborhood problem that may have initiated or contributed to the act (e.g., could the act be retribution for some conflict with neighbors, area juveniles, etc.)?
10. Does the crime/incident indicate possible involvement by an organized group (e.g., Ku Klux Klan, American Nazi Party, Adolf Defense League, etc.)? For example:
  - a. Is the literature printed or handwritten?
  - b. Does the name signify a "copy-cat" syndrome?
  - c. Is there any documented or suspected organized group activity in the area?
  - d. Was this group "involved" in a true sense, or as a fear or scare tactic?
11. Does the party(s) responsible have a true understanding of the impact of the crime/incident on the victim or other group members?

**C. Examples of Reportable Crimes/Incidents (consider attempts as if act had occurred)**

1. **Physical assault** – Includes acts of physical violence, assaults with weapons, gang violence, etc. (Gang violence is between two or more groups comprised of individuals which differ in race, ethnicity, religion, or sexual orientation. Do not report "turf-predicated" violence unless race, ethnicity, religion, or sexual orientation were motivating factors.)

# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE



John Van de Kamp  
Attorney General

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Marty Mercado  
Coordinator  
(916) 324-7859

February 27, 1985

Lt. Alexander Stevens  
San Francisco Police Department  
Legal Division, Room 558  
850 Bryant Street  
San Francisco, CA 94103

Dear Lt. Stevens:

Attorney General John Van de Kamp has established a Commission on Racial, Ethnic, Religious and Minority Violence in response to what appears to be a growing and disturbing trend toward violence against members of racial, ethnic, religious and other minority groups. A copy of the Commission's mandate is attached for your information.

The Commission has been exploring enforcement of cases under the Ralph Civil Rights Act and how this can be strengthened. In order to make pertinent recommendations to the Attorney General, the Commission would like to have the benefit of your views, and is extending an invitation to you and other enforcement agencies to meet with them. Specifically the Commission is interested in:

How do you perceive that there is a problem?

What are the procedures for reporting incidents of this nature?

How are these incidents handled by your agency?

What is the level of manpower assigned to these cases?

Do you feel there are insufficient resources, or interest to handle these incidents?

What can this commission - or some other agency - do to remedy these deficiencies?

Lt. Alexander Stevens  
February 27, 1985  
Page Two

The Commission will meet on Monday, March 4, at the State Bar Association Building, 555 Franklin Street, in San Francisco. We have scheduled a "working lunch" from 12 noon until 2:00 p.m. and would welcome your participation. Sandwiches and coffee will be provided.

We appreciate your consideration and look forward to your participation. Please let me know as soon as possible if you will be able to attend so that we may finalize details. (916) 324-7859.

Sincerely,

  
MARTY MERCADO  
Coordinator

MM:dah



# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE

John Van de Kamp  
Attorney General

1515 K Street  
Suite 371  
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95814

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Marty Mercado  
Coordinator  
(916) 324-7859

## ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE

### RESOLUTION

Re: Proposed San Diego County Human Relations Commission

**WHEREAS**, The 1982 Governor's Task Force on Civil Rights found that violence based on discriminatory motivation is a pervasive fact of life in many communities; and

**WHEREAS**, injustices and inequities resulting from prejudice, intolerance and discrimination against individuals or groups promotes tension and conflict and constitute a threat to the public safety and welfare; and

**WHEREAS**, Attorney General John Van de Kamp established the Commission on Racial, Ethnic, Religious, and Minority Violence as a response to a growing and disturbing trend toward violence against members of minority groups; and

**WHEREAS**, the commission was formed to monitor and raise public awareness of incidents of this nature and to make recommendations to deal with this problem; and

**WHEREAS**, it has come to our attention that since 1978 violence against groups and individuals in San Diego County has increased as has the demographic make up of San Diego; and

**WHEREAS**, a proposal to create a Human Relations Committee in San Diego County has been put forth to the Board of Supervisors;

**NOW, THEREFORE, BE IT RESOLVED** that the Attorney General's Commission on Racial, Ethnic, Religious and Minority groups fully supports and endorses the creation of a Human Relations Commission in San Diego County; and

**BE IT FURTHER RESOLVED**, that the Attorney General's Commission urges the San Diego County Board of Supervisors to create a County Human Relations Commission.

Msgr. William J. Barry, Chairman  
Attorney General's Commission on  
Racial, Ethnic, Religious, and  
Minority Violence



# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE

John Van de Kamp  
Attorney General

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\_\_\_\_\_  
Msgr. William J. Barry, Chairman  
Attorney General's Commission on  
Racial, Ethnic, Religious, and  
Minority Violence

1515 K Street  
Suite 371  
Sacramento, CA  
95814



# COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS • 1600 PACIFIC HIGHWAY, ROOM 335  
SAN DIEGO, CALIFORNIA 92101 • (619) 236-4444

LEON L. WILLIAMS  
SUPERVISOR  
FOURTH DISTRICT

February 4, 1985

Dear Friend:

The County Board of Supervisors will hear arguments for and against my proposal to create a human relations commission for San Diego County on February 12, 1985.

It is important that the Board members know of your support for the commission. As proposed, the commission would consist of 15 members appointed by the Board of Supervisors. Each supervisor would have three appointments, one of which must be a resident of his or her district.

The commission's goal would be to promote and foster mutual respect and understanding among all groups and communities within the County and to inquire into incidents of tension and conflict between various groups and to make recommendations as to means to alleviate such tensions and conflicts.

Since the end of the last commission in 1978, violence against groups and individuals in our community has increased as has the demographic make up of our community. The commission which I propose does not create any "rights" for individuals or groups but declares that "injustices and inequities resulting from prejudice, intolerance and discrimination against individuals or groups promotes tension and conflict and constitute a threat to the public safety and welfare."

If you and your organization agree that we need a "safety valve" for tension within our community, please send a letter to the Board of Supervisors indicating your support. Your letter should address these issues:

1. Violence and tension continues, and in some cases, has increased. If you know of any specific incidents please include them.

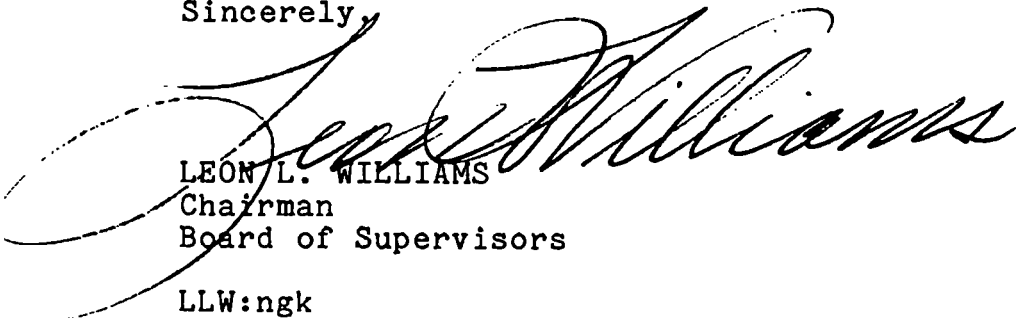
Page Two  
February 4, 1985

2. A human relations commission is needed to provide a forum for the resolution of problems and to create an environment that lessens the need for confrontation.
3. The Board must provide adequate funding for such a commission.

Letters should be addressed to each Board member and to me. The Commission has already received broad based support from throughout the community. Please add your voice today.

If you have any questions or need additional information, do not hesitate to call my office at 236-4444.

Sincerely,



LEON L. WILLIAMS  
Chairman  
Board of Supervisors

LLW:ngk



# Sacramento Police Officers Association

2020 "I" STREET, SUITE A  
SACRAMENTO, CALIFORNIA 95814  
(916) 444-7661

February 11, 1985

Marty Mercado, Chief  
Office of Community and Consumer Affairs  
Office of the Attorney General  
1515 K Street  
Sacramento, CA 95814

Dear Marty:

I would like to share with you some thoughts on the subject matter being considered by the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence.

## Definition

Relative to police involvement, it is important that a clear definition of RERMV be established. It is too easy to classify incidents as either not in this category or as part of this category. A succinct definition/set of criteria is essential in order to have police properly identify actual cases of RERMV. The definition must remove as much subjectivity as possible to maintain credibility.

## Reporting

Once criteria for identifying this type of incident are established, it becomes easier to collect information about it. The best collector of this information is the law enforcement officer. The best way to get a law enforcement officer to report is to make it as simple as possible and, if possible, do not increase the amount of paper work involved.

Currently police use a standardized reporting form for (1) crimes and (2) incidents. Crime Reports have many check boxes and then

Marty Mercado  
February 11, 1985  
Page 2

allow for a narrative. It would be easy to include more check boxes on a report. Thus, when the officer takes an assault, arson, or vandalism report he/she can indicate by a check mark whether or not it is violence related to RERM.

Further check boxes can be included to demonstrate the criteria. If necessary, the narrative could be used to elucidate on the incident. However, this narrative means more work for the officer and more difficulty in capturing information by those interested in doing so.

The use of an Incident or Information Report creates the problems of establishing the facts in a narrative report. Collection of information is difficult. Most jurisdictions have "I" reports where the narrative is imperative.

Another alternative is a new report form designed specifically for RERMV. This is not practical unless used in an experiment. The cost is high if implemented throughout the state, and unless mandated by law it is unlikely it will be used voluntarily.

#### Awareness/Training

A major problem is the lack of awareness of the problem by peace officers and the need to document the violence if existent. On the part of management, it must be demonstrated or mandated that reporting is necessary.

In any event, training is an essential part of any plan put together to address the problem. Training breaks down, ultimately, to money. In order to increase awareness levels and insure compliance with a plan, a training program is imperative.

The Commission on Peace Officers Standards and Training (POST) should be included in this area. Additionally, the Peace Officers Research Association of California (PORAC) would be useful in the awareness as well as the advocacy areas.

#### Participation

In order to make any plan work, a large base is needed. There are various peace officer groups in the state that should be included in the decision making process as to the development of a plan or program. They include various large local associations and statewide associations such as CPOA and PORAC.

Marty Mercado  
February 11, 1985  
Page 3

Perhaps a law enforcement sub-committee or advisory group could help to put together a report form or identify the training needs. i This approach has been used in the past and is a good forum for identifying potential future obstacles.

#### Experiment

An experimental project was discussed by Governor Brown's Task Force of Racial, Religious, and Ethnic Violence and should be strongly considered by the Commission when discussing the feasibility of criteria identification, reporting, and capturing of information.

There are police departments, such as San Jose, interested in the subject matter and not afraid to experiment. There are departments which have within their jurisdictional boundaries the demographic breakdowns conducive to experiments.

The experiment would serve as a model to be implemented statewide. The experiment would have a handful of departments actually training officers to heighten their awareness and intervention, developing a reporting process, capturing information, and developing of a method of centralizing all the information.

#### Personal Opinion

It is my opinion that the identification of RERMV is a worthy effort and should be tried. The goal should be to eradicate this kind of violence.

A preliminary step is to convince rank and file law enforcement of the need. Then, it would be great if law enforcement took the lead in pursuing the problem. However, great care must be taken not to put the burden off on only the police.

A concern of mine is the Commission. If it does not include police input, it stands the chance of being labeled anti-police. Governor Brown's Task Force on Racial, Religious, and Ethnic Violence was thus labeled.

I would like to see awareness training in this area. If the police are taught to look for and identify the problem, it is possible they can do something about the situation before the potential violence escalates to death.

I would like to see the Commission come out with something reasonable and possible to achieve, taking into consideration the political climate, economic climate, and other real variables.

Marty Mercado  
February 11, 1985  
Page 4

I would like to see an experiment adequately funded to determine the feasibility of all the things we have discussed. This experiment would serve as a model for a statewide program and a model for other states.

Being an eternal optimist, I believe the Commission can be successful.

Conclusion

I hope this is helpful to you. I wish you success, and if I or the Sacramento Police Officers Association can be of any assistance, do not hesitate to ask. We are at your service.

Sincerely,



Richard H. Lucero  
President

Enclosure

RHL:tlp

cc: Board of Directors  
Honorable Alice Lytle



## CITY OF SACRAMENTO

### DEPARTMENT OF POLICE

HALL OF JUSTICE

813 - 6TH STREET

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 449-5121

JOHN P. KEARNS  
CHIEF OF POLICE

December 20, 1984

Ref. 12-58

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Human Rights/Fair Housing Commission Report on "Bigotry of Violence against Asian Pacific Americans"

#### SUMMARY

As a result of the hearings held by the Human Rights Commission on "Bigotry of Violence toward Asian Pacific Americans", the Sacramento Police Department has received the following recommendations:

1. Begin monitoring racially motivated crimes against Asians and other minorities.
2. Police Department make every effort to hire a bilingual Community Service Representative.
3. Establish a fund to reimburse interpreters.
4. Police Department increase training of officers to educate and sensitize them regarding the various cultures and concerns of the Asian Pacific community.

#### BACKGROUND

On May 17, 1984, the Human Rights/Fair Housing Commission held hearings to obtain testimonies of violence and bigotry toward Asian Pacific Americans.

On November 7, 1984, the results and subsequent recommendations of the Human Rights Commission hearings were presented to the City Council. Among those recommendations, the Commission directed four to the Police Department. The Commission asked that the

December 20, 1984

Police Department begin monitoring racially motivated crimes against Asians and other minorities; hire a bilingual Indo-Chinese Community Service Representative; establish a fund to reimburse interpreters; and increase training of officers to sensitize them regarding the various cultures of concerns of the Asian Pacific community.

CONCLUSIONS

The Police Department has responded to the recommendations by the Human Rights Commission as follows:

- . The Police Department has studied the matter of monitoring racially motivated crimes against all minority groups. In order to obtain consistent and standardized data, criteria for determining whether or not a crime is racially motivated must be established. The State of California has funded research to develop such a criteria so that the same standard can be applied statewide. These standards are pending.
- . The Police Department has selectively certified an Indo-Chinese person to be hired for a position of Community Service Representative. This person has been interviewed and is currently undergoing a background investigation to insure his suitability as a Police Department employee.
- . The Police Department makes every effort to use interpreters that are employed by the various social service agencies that serve the minority community. If an interpreter is needed during non-business hours, the Police Department has established a number of persons that will volunteer their services to the Police Department free of charge as a community service. Additionally, if any expenses are incurred by the volunteer interpreter, the Police Department has funds to be used for their reimbursement.
- . The Police Department trains all of its officers in the cultures and concerns of all major ethnic minorities. Officers receive this training in the Basic Academy as well as in various in-service training sessions. Currently plans are being made to use the newly hired Indo-Chinese Community Service Representative in future basic academy training classes.

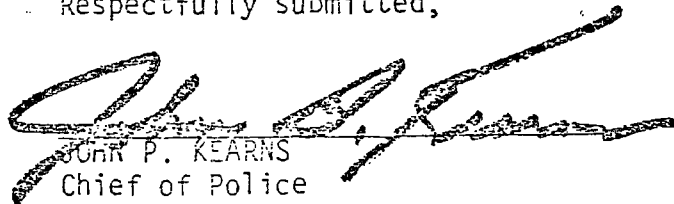
CITY COUNCIL  
Page 3

December 20, 1984

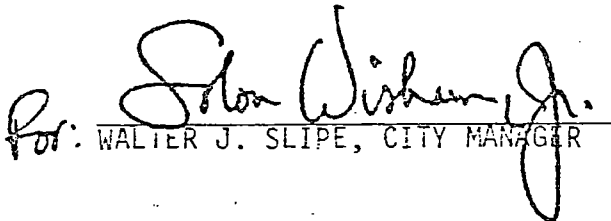
RECOMMENDATIONS

Pending specific and standardized criteria being developed at the state level, the Police Department has not developed a formal program to monitor racially motivated crimes. When this criteria is developed and standardized throughout the state, the Police Department will adopt the guidelines for use in crime reporting. The Police Department recommends approval of this procedure.

Respectfully submitted,

  
JOHN P. KEARNS  
Chief of Police

Recommendations Approved:

  
For: WALTER J. SLIPE, CITY MANAGER

JPK:mtw

## Fact-Finding Project Begun

# Anti-Asian Bigotry: An 'Alarming' Rise as Refugees Pour In

By PENELOPE McMILLAN, Times Staff Writer

A black-owned newspaper in Los Angeles recently advised its readers that "It's time for blacks to wake up" and to stop patronizing the increasing number of stores in their neighborhoods owned by Korean immigrants.

"We are asking everyone who reads this paper not to give those Koreans a dime of your money," said a December editorial in Money Talks News.

In Monterey Park, bumper stickers and signs reading "Will the last American to leave Monterey Park please bring the flag" have been seen at various times over the last few years.

The latest version adds slanted eyes to underscore the San Gabriel Valley city's increasing population of Asian immigrants, particularly Chinese.

### Trend Detected

These incidents are among the most recent of what some local Asian-American and Pacific Islanders call a continuing trend of antagonism, bigotry and even violence toward Chinese, Japanese, Korean, Philippine and Indochinese refugees in Southern California.

"During the last four years, there has been a noticeable rise in these incidents," said Stewart Kwoh, director of the Asian Pacific Legal Center of Southern California.

In response, a "Racial Violence Monitoring Project" has been established at the center to collect information on anti-Asian- or Pacific-American episodes as they occur in Southern California.

"While we see this alarming development of racial antagonisms," said Kwoh, a 36-year-old Chinese-American attorney, "no

one is consistently and thoroughly tracing them."

The racial tensions have continued long enough that public officials and the larger community need to be made more aware of them, Kwoh added, "and we need to prove our case with statistical breakdowns."

One official who said he would like to see any such proof is Lt. Glenn Ackerman, head of the Asian Task Force of the Los Angeles Police Department.

"I haven't had any reports" of anti-Asian problems, he said, adding that he was not sure there were any.

"We stay closely tuned with community leaders from all of the Asian groups. We would be in a position to at least hear about any significant increase. My experience is this is a really harmonious kind of city. But if that occurs we sure would be interested in hearing about it."

Kwoh and others believe the reasons for anti-Asian problems include cultural differences, the past economic recession and trade imbalances with Japan, along with what some describe as a "pre-existing latent racism."

Improvements in the economy have not improved the problem, Kwoh said. "There is still a concern over immigration itself, a concern over what immigrants do to American society, especially in your neighborhood."

### Buying Small Businesses

That has been the crux of the problem in South-Central Los Angeles neighborhoods, for example, where Korean immigrants have bought a number of small grocery, liquor or gasoline outlets. Locals found they could not communicate with the newcomers due to the language barrier, and also found, according to B. W. Swain, publisher of Money Talks News, that they seemed reluctant to hire blacks.

After Swain wrote editorials telling blacks not to shop in stores that wouldn't hire them, he said, "A lot of people said I'm a racist, a bigot. I'm not. I'm interested in accountability. When you make money from a neighborhood, you should try to give something back, help improve the community, not just drive back to Koreatown."

The black-Korean problem has raised concern in the Korean community, said Tong Soo Chung, president of the Korean-American Coalition, adding that the situation is "a national problem for Koreans"

that also is faced by Korean merchants in Chicago and Harlem.

On the other hand, Koreans, Chung said, often feel they are "targets" of crime by blacks in Koreatown.

The antagonism between Koreans and blacks is the kind of situation that the legal center's monitoring project hopes to document, Kwoh said, and then demonstrate to local government and school officials the need for "positive multicultural programs."

The project will collect material through individual reporting, monitoring of ethnic newspapers and "networking" with community groups, said Mel Ilomin, monitoring project coordinator. So far the legal center has raised \$10,000 to support the project, and another \$50,000 is being sought through grants.

Concern over anti-Asian bigotry already has led to other actions in Southern California and elsewhere, however.

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The U.S. Commission on Civil Rights is conducting a study to determine the extent of the problem, with a report expected next September.

The study is focusing on areas with high Asian immigration, such as New York, Boston, Philadelphia and the gulf area of Texas, as well as Los Angeles, Orange County, San Francisco, Sacramento and Central California.

Over the last 14 months in California, for which the 1980 pop-

ulation census listed 1,312,973 Asian-Americans and Pacific Islanders, hearings on the issue were conducted by local human rights commissions in Los Angeles, Orange, Sacramento and Santa Clara counties.

A two-year Commission on Racial, Ethnic, Religious and Minority Violence was established by state Atty. Gen. John Van de Kamp in May, 1984, after he was approached by a group of Asian-American lawyers. It will study whether state laws and policies are adequate to protect minority groups.

A monitoring system to try to collect anti-Asian data statewide was set up in 1983 by the Asian Pacific American Advocates of California, a coalition of more than 600 community organizations around California that addresses issues of concern to Asian-Americans and Pacific Islanders.

Alan Seid, a Palo Alto psychiatrist who heads the coalition, said the group's statistics are being compiled for release in March and are not now available. Generally, however, he feels that incidents are still under-reported, and local offices such as one set up in Los Angeles could bring more reports by individuals than the Sacramento-based coalition receives.

"Proximity is helpful in resource banking," Seid said, "and I feel it would be good if similar efforts were made in Boston, Chicago, Dallas and New York."

While earlier episodes of anti-Asian bigotry and violence date to the 1800s, the most recent cycle began to get national attention in 1979, when Vietnamese fishing boats were firebombed in Seadrift, Tex., after two refugees were charged in the death of a Caucasian crab fisherman.

The problem was spotlighted again in 1982, when a 27-year-old Chinese-American, Vincent Chin, was beaten to death in Detroit by two Caucasian men who mistook him for Japanese and blamed him for the depressed American auto industry.

A judge sentenced the men to probation and fined them \$3,000. After an outcry led by Asian-Americans, the U.S. Justice Department reopened the case. The men were retried last year for violation of Chin's civil rights; one was acquitted, and one found guilty.

In Davis, Calif., in 1983, Vietnamese refugee high school student Thong Hy Huynh was knifed to death by a Caucasian student after a racially motivated argument.

#### Memorial Defaced

Last year, a memorial marker in memory of the slain student at Davis High School was defaced with swastikas and the words, "Death to gooks."

In Los Angeles County last June, a 17-year-old Chinese student in San Marino was beaten by three Caucasian students at Huntington Junior High School in a confrontation that began with the yelling of racist slurs. It was the third race-related school fight between white and Chinese students in San Marino in a year.

On the San Bernardino Freeway near Monterey Park last December, two Philippine women stopped by officers of the California Highway Patrol and Los Angeles Sheriff's Department for a minor traffic violation ended up with cuts, contusions and, in one of their cases, a concussion.

Their wounds, the women said, were caused by the officers, who countered that the women reacted irrationally to their orders.

The women, who were daughters of Monterey Park City Councilman Monty Manibog, face trial this month on misdemeanor charges of interfering with an officer. Philippine community leaders called the incident racist, claiming the encounter between the women and the officers would not have escalated had the women been Caucasian.



# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE

John Van de Kamp  
Attorney General

## COMMISSIONERS

Msgr. William J. Barry, Chair  
Los Angeles

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San Francisco

Irma Castro  
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Richard Chavez  
City of Commerce

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Judge Armando O. Rodriguez  
Fresno

Dr. Hazel Hawkins-Russell  
Riverside

John Saito  
Los Angeles

Diane Yu  
Oakland

Marty Mercado  
Coordinator  
(916) 324-7859

February 1, 1985

Msgr. William Barry, Chairman  
AG's Commission on RERMV  
1400 West 9th Street  
Los Angeles, California 90015

Dear Monsignor:

I received a call from Clara Harris, Executive Director, Heartland Human Relations Association, who spoke at the December meeting, to advise us that there is a "raging controversy" going on in San Diego over the proposed ordinance to create a county human rights commission, specifically the inclusion of gays and lesbians. She indicated that there is a coalition of religious groups opposing their inclusion.

She said a resolution from the Commission supporting the ordinance and the inclusion of gays and lesbians would be helpful. I told her that I would bring it to the Commission's attention for consideration. This will have to be an action item on the agenda if you wish to discuss it. I am sending a copy of this letter to our Civil Rights section, who may want to look into this as well.

I am developing the agenda now (as you know from copies of letters you are receiving!). I will give you a call next week to go over it with you.

Sincerely,

  
MARTY MERCADO  
Coordinator

cc: Marian Johnston  
Manny Medeiros  
Louis Verdugo

1515 K Street  
Suite 371  
Sacramento, CA  
95814



# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE

John Van de Kamp  
Attorney General

1515 K Street  
Suite 371  
Sacramento, CA  
95814

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John Saito  
Los Angeles

Diane Yu  
Oakland

Marty Mercado  
Coordinator  
(916) 324-7859

February 22, 1985

Honorable Richard Lugar  
U.S. Senate Foreign Relations Committee  
Washington, D.C. 20510

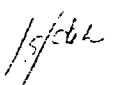
Dear Senator Lugar:

In May of last year, California Attorney General John Van de Kamp established the Commission on Racial, Ethnic, Religious, and Minority Violence in response to what appears to be a growing trend towards violence against members of various minority groups.

We wish to acknowledge your support and advocacy of human rights and your concern toward the famine in Ethiopia. We commend your courage speaking out against racial oppression. We hope that actions such as yours, will influence administration policy with regards to positive changes of such conditions in the near future.

Again we would like to express our sincere esteem for your efforts in aiding the fight for human rights. Our support is with you.

Sincerely,

  
Monsignor William J. Barry  
Chairman

WJB:dah

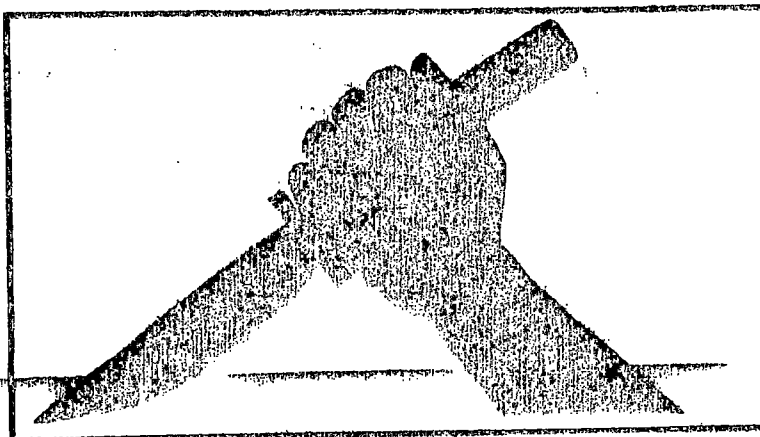
# Anti-Asian Violence In Davis

A wave of anti-Asian violence that has included two killings and a vehicular homicide is sweeping over the normally peaceful university town of Davis, 13 miles west of Sacramento.

"Davis is a nice town. That's the thing that's so scary about all of this," Angel Oh, a law student at UC Davis and member of the newly formed Coalition of Asians for Equal Rights, told the Bay Guardian. "The kind of racism we're talking about in 1984 is hard to point your finger at. It's institutional racism, not separate drinking fountains."

In the past two years, a dozen incidents of race-related violence directed at Davis's small Asian community have been reported to local police. A Korean-owned QuikStop was defaced with "Nips Go Home" slogans. Two Asian boys walking along a road were repeatedly sprayed with a fire extinguisher by whites in a passing car. And on the campus of Davis High, a 17-year-old ethnic Chinese student born in Vietnam was fatally stabbed by a white schoolmate.

On Jan. 22nd, a Contra Costa court sentenced that attacker James Pierman, to six years imprisonment for killing Thong Ho Huynh. But Asian groups charge that the trial, which was moved from Davis to Merced



and Contra Costa counties, side-stepped racial issues.

Pierman killed Huynh during a campus scuffle between his friend Russell Clark and a group of Vietnamese students. Court testimony revealed that Clark began the fight with taunts and insults and Pierman ended it with a nine-inch scuba knife. According to Pierman's testimony during sentencing procedures, "The Vietnamese boys had conflicts with Russell Clark every day. They never fought him, they never even said anything. Russell always wanted to fight them. They'd walk away."

Pierman's attorney, William Maas, said he hopes to appeal both the sentence and the verdict. "They tried him as an adult, sentenced him as a child and tried to give him a more jail time," Maas commented. "I don't think it will wash."

But Huynh's mother, a widow with two disabled children, called the six-year

sentence "too lenient" and filed charges of wrongful death with the civil courts. She says she also intends to pursue a federal investigation into possible civil rights violations. Her statements to the court stressed the racial aspects of the case: "The defendant had preconceived hatred for my son and my son's friends because of their Asian ancestry and killed my son as a result of racial prejudice."

The stabbing was the first of three recent slayings of Asians in Davis, a city that averages only one homicide per year. In two unsolved crimes last spring, Chinese scholar Nalyan Li was killed by a hit-and-run driver, and Taiwanese researcher Tzleh-Tai "Frank" Luo, who was visiting UC Davis on a government grant, was stabbed to death outside his home.

CAER members say the killings may be part of an increasing national pattern of anti-Asian violence. According to

UC Davis Law School Professor Floyd Shimanuma, the trend appears to be linked to American hostility toward Japan's industrial and economic boom as well as to resentment at the influx of Southeast Asian refugees after the Vietnam War.

More than 250,000 Indochinese refugees are third of the national total—live in California and the greatest number of racially motivated attacks have been reported here. The incidents range from fire-blasting, spray paintings and slurs to beatings, rapes and killings. In the past year, officials in Sacramento, Los Angeles and Santa Clara County have held public hearings to establish the scope of the problem in their communities and to consider solutions.

At the Sacramento hearing, UC Davis Professor George Kagiwada told Human Rights commissioners, "What is called for is a creative, all-out effort by the community to rid itself of the deeply ingrained problem of racism." Speakers proposed grassroots education and acculturation programs, as well as institutional reforms in education, housing, health care and law enforcement.

Funds to implement the recommended changes are hard to find in local budgets, but federal monies may become available during the next four years. In September the Reagan-appointed U.S. Civil Rights Commission

will complete its national study of racially motivated attacks against Asian Americans. Commissioner John Bunzel considers it likely that the report will include recommendations to fund community-based programs to combat the problem.

However, many of those involved with the problem are skeptical about the commission's ability to effect real change or call the study a thinly disguised bid for the Asian vote. "We don't know what the commission will conclude," CAER spokeswoman Diane Tomoda said. "It's possible that they'll find we have few problems, that we're still a 'model minority' which other groups should emulate. That image is very disadvantageous for the large, powerless sectors of the Asian population, especially refugees and immigrants."

"Also," she said, "I think that Asians should be real aware of any attempts to divide and conquer. Making us the 'model minority' sets us apart from many people we have a lot in common with. We need to be vigilant and make sure we can't be defined by this incomplete portrayal."

—Julia Randall

Reprinted from the San Francisco Bay Guardian.



Gary Miller: An activist who happens to be gay. Photo by Joseph Abril.

## GAYS' LOW-KEY LEADER

Article by R. Schluter

This is the sixth article in our Community Countdown series. The series will spotlight a different community leader each week through our 10th Anniversary issue of March 21.

It's a celebration of the city's human resources — proof that persistent people with a strong belief in themselves and their ideals can make a difference.

Gary Miller is a gay activist who isn't a gay activist. He is gay, and he is an activist, but his importance to the gay community of Sacramento is that he refuses to be confined by a label.

"When I was running for City Council in 1981," Miller, 36, told the News recently, "both the Bee and the Union always referred to Gary Miller, gay-rights activist. I really resented that title. It's true that I'm gay, and it's true that

I'm active in gay-rights issues, but I'm active in a number of other issues, as well."

"I see him as a human-rights activist," Peter Keat, owner of Time Tested Books, told the News. Keat has known Miller for about four years, primarily through political activities. "Being gay is just one aspect (of Miller), and not the dominant aspect. He doesn't shy away from it—he's active in the gay community—but it's just one aspect."

James Graham, 35, a professional writer and former editor of gay newspapers "Mom Guess What" and the "Sacramento Star," agreed with this judgment. "Miller's participation as an openly gay person in the political life of the community is his most important achievement," Graham said. "He is important as an example to people that it is possible to work within the political structure that we have. A lot of times, gay people feel excluded like other minorities. They feel that the political system has no place for them."

Miller has claimed a number of firsts for himself as an openly gay person in Sacramento. According to Miller, he is the

(cont'd on page 4)

# G y ' Low-Key Leader

Feb. 21-28, 1986



(cont'd from cover)

first gay to serve on a local governmental commission, the City/County Human Rights Commission, which he has chaired and on which he is still an active member.

**His importance to the gay community of Sacramento is that he refuses to be confined by a label.**

He is the first openly gay person to chair a Democratic Party county committee in California, and he is the first to serve as president of a primarily "straight" Democratic club in Sacramento. Although he is not the first openly gay person to seek political office in Sacramento, he was the first to run for City Council.

During the 1981 race, the big newspapers typed Miller as a "gay-rights activist," but Miller said that they nevertheless considered him a major candidate. "I came in third in a field of seven," Miller said. "I think money did make a difference in that campaign. Terry Kastanis was the one who won, and he raised about \$30,000. The person who came in second raised and spent about \$20,000, and I raised and spent about \$10,000.

"Even though this is only 1985, I think the gay community has grown since 1981 to the point that if I or anyone else in the gay community were to run again, I think we would be able to take in a lot more money." Miller feels that the gay community has grown in that gay people "are more active in it and also more conscious of their political power and realize that money does make a difference."

If being an openly gay community activist is Miller's most important achievement, "coming out" was still a decision that he did not make altogether willingly. "I was born in San Diego but grew up in Missouri," he explained. "My boyhood hero was Dr. Martin Luther King. I saw him not so much as a leader of black people as a Christian leader who was concerned about all people."

"During my teens, I was interested in going into the ministry, and I saw him as my example. I suppose that was also why I got involved in the black civil rights movement and the anti-Vietnam war campaign. I got involved against Vietnam... because my understanding of Christianity and what Dr. King was saying was that I had no choice but to be a conscientious objector."

**"Certainly Sacramento is no San Francisco... but Sacramento is a very tolerant city."**

Miller was not a member of a pacifist church at that time, however, and the Missouri draft board didn't buy Miller's C.O. claim. "The only way I could get out of the draft was to admit that I was gay," Miller said. This decision had some unfortunate consequences. "I spent two years of college work at Central Methodist College in Missouri. After two years of college, I applied at a seminary,

and they basically said that they didn't want my kind there."

**"Most of the people in our community work eight hours a day and go home and fix dinner and plop in front of the TV, and that's their community involvement."**

During the late 60's, Miller lived in Kansas City and became involved in fighting for gay rights there. "I was still a little bit scared because my family was still there, and a lot of friends from school, and so on. So, back in the '60's a lot of gay activists were using pseudonyms, and I used one as well. That was my protection at that time. I moved to California in 1970 primarily because I didn't want to use a pseudonym anymore. I wanted to be myself."

Before moving to Sacramento, Miller lived for several years in San Francisco, where he became deeply involved in Democratic politics. He was president of the Alice B. Toklas Memorial Democratic Club, and he ran for the hotly contested Democratic County Committee there, coming in eleventh in a field of 33.

"This whole thing of Moscone, Milk, and Feinstein and all those characters is very real to me because I worked with them," Miller says. "I had Moscone in my home several times. I was never one of Milk's supporters. We were on different tracks, I think."

In 1976, Miller moved to Sacramento to work for the Friends Committee on Legislation, a Quaker lobbying agency. Then, in 1980, he left that organization and started with the Sacramento Employment and Training Agency, where he has remained. "It was my intention to move back to San Francisco

when I quit working for the (Friends lobby). I continued working for them for four years, and I really liked Sacramento. It's a large city and yet has a small-town atmosphere."

As a place for gay people, Miller said, "Certainly Sacramento is no San Francisco, nor should it be, but Sacramento is a very tolerant city. Gay people in general have a very easy time, especially compared to communities throughout the country... Still, I think there are a number of people in the gay community who are afraid to be open because of losing friends or family or losing their jobs or being kicked out of their apartments, or that sort of thing."

"Whether or not those fears are real, I think, is irrelevant. The fact that they have those fears is something that the community as a whole needs to take a look at. Ron Gray (president of the gay River City Democratic Club) has done an excellent job of putting together a gay civil rights package for the City Council. It deals with housing as well as jobs and public services."

Miller does not expect that the package, which will probably come before the Council in February or March, will meet with any opposition on the Council.

Miller is proudest of his work for the Democratic Party. He has worked on some specifically gay issues--for example, he joined the fight against the 1978 Briggs Initiative, which would have barred gays from teaching in California schools--but much of his energy goes into Democratic Party organization and fundraising. Miller helped to organize the gay River City Democratic Club, and one of his goals is to increase the number of Democratic clubs in the area.

"We have chartered several

Democratic clubs, for instance the Ebony Democratic Club (a black club), and also we're trying to get a Young Democratic club formed," he says. "There hasn't been a YD club formed for many years."

**"I moved to California in 1970 primarily because I didn't want to use a pseudonym anymore. I wanted to be myself."**

"Gary is very much a political person," Graham told the News. "My acquaintance is mainly in the political action level, through his and my involvement in the gay community. People perceive him as a tireless worker for the good of everyone, but specifically for the political and civil rights of gay and lesbian people."

"I'm a workaholic, that's for sure," Miller said. "I guess my feeling is that there's so much work to be done and so few volunteers who are willing to do it. Most of the people in our community work eight hours a day and go home and fix dinner and plop in front of the TV, and that's their community involvement."

"When you go out precinct walking the weekend before the election to get people to vote for your candidate, and they say, 'Oh, is there an election coming up?' Those types of things are frustrating. I guess it's because there are so many people out there who are like that that makes me want to work even harder."

# GAY RIGHTS: IS DAVIS READY?

Article by Joanne Ball



CFLAG's Ane McKee (at left) and Catherine Tromovitch: How can you document the fear factor among Davis' gays? Photo by Joanne Ball.

In June of 1980, the community of Davis voted down a measure to prevent discrimination against the town's gay population. At the time, the issue of gay rights was hotly debated, and the measure itself reached the ballot box by a very narrow margin. Now, some four years later, a group of Davis citizens, collectively known as Citizens for Fairness for Lesbians and Gays (CFLAG) is trying again to obtain a city ordinance which would make it unlawful to discriminate against anyone because of sexual preference.

To many, reading about this issue for the first time, the immediate response may be: "Davis?" Certainly it is hard to believe that a town known for its progressive attitudes would even hesitate to pass an anti-discrimination measure. And yet it appears that some interesting influences were at work four years ago which managed to cloud the issue with everything from hints at child molestation to a major lawsuit, which very nearly prevented the measure from ever reaching the ballot. Small wonder then that the members of CFLAG appear to be building their case slowly and thoroughly this time around.

But who or what was behind the defeat of the first measure? And more importantly, what kind of

**It's hard to believe that a town known for its progressive attitudes would even hesitate to pass an anti-discrimination measure.**

response can CFLAG and its supporters expect when they bring their concerns before the Davis City Council and the larger community?

To answer these questions, it is necessary to go back four years to the controversy which surrounded the proposed Gay Rights Ordinance. The issue of discrimination against gays in Davis was first brought to the attention of the Davis City Council when members of a Gay Task Force submitted a draft of a proposed ordinance to Councilman Tom Tomasi.

The members of the Task Force asked Tomasi to present their proposal to the council as a whole.

**"Ninety-eight out of 100 gay men and women deliberately hide their relationships from others."**

Several weeks later, the issue of a gay rights ordinance appeared on the agenda of the

City Council meeting. At that meeting, the council agreed to draft an ordinance which would then be passed by a vote of the council. Simple enough, or so it seemed, but within the next two weeks the council had reversed its decision and a new group known as the First Amendment Coalition had formed to oppose attempts to pass a Gay Rights measure.

Two key figures were to emerge from this group who were behind much of the anti-gay rights work. The first was Jim Stevens, then a City Council member, who managed to convince the council to reverse its decision by threatening to put an anti-gay rights initiative onto the upcoming ballot in which three council members would be seeking re-election. Afraid that the election would become a battle over gay rights, the council agreed not to draft an ordinance.

Stevens was also the man who formed, organized, and named the First Amendment Coalition. The name itself is important because it indicates the stand taken by the gay rights opponents, which was constitutional rather than religious. The First Amendment Coalition's stance was that in passing an ordinance which dealt specifically with homosexuality, Davis citizens would be having their first amendment rights violated. "What homosexual privilege proponents are asking for are not human rights, but special interest rights," said Martin Medhurst, another First Amendment Coalition leader.

Medhurst, like Stevens, was to play a crucial role in the defeat of the Gay Rights Ordinance. Medhurst, a professor of rhetoric, turned the gay rights fight into a verbal battlefield.

"Proponents of homosexual behavior have grossly oversimplified the basic issue," Medhurst said in a statement to the press. "They ask Davis residents to believe that they are the innocent victims

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of social discrimination. To hear Tom Tomasi tell it, Davis is guilty of a capital crime--being able to distinguish to discriminate--among various sorts of individuals. I plead guilty as charged.

"I discriminate every day among students, all of whom it seems, want an A for the term. There are employers, even progressives, discriminating among the many applicants for jobs. Voters discriminate when they go to the polls to vote for City Council members. What, pray tell, is wrong with discrimination?"

The issues surrounding the Gay Rights Ordinance were further muddled during a public hearing which had been organized by the City Council in lieu of drafting an ordinance. At his hearing, where many gay men and lesbians testified about actual incidents of discrimination, the First Amendment Coalition speakers linked the proposal to end discrimination against homosexuals to child abuse, threats to family life, unnatural behavior, and violation of rights of privacy.

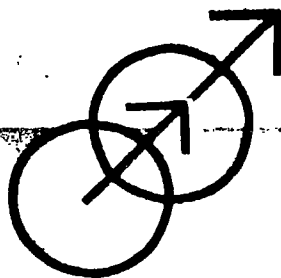
**"For now... the penalties for speaking up seem swift and automatic."**

In an article in the Western Journal of Speech Communication, Medhurst outlined the tactics of the First Amendment Coalition: "The rhetors (orators) selected by the Coalition pointed to the broad-based strategy employed. The speakers included a law enforcement officer (implicitly linking homosexuality with crime), a homemaker and mother (implicitly linking homosexuality with child abuse), and a minister (implicitly linking homosexuality with sin and immorality). "All of these arguments were, of course, merely implicit in the roles of those chosen to speak. At no time were the

arguments explicitly verbalized; that would have violated community sentiment. Yet the perceived ethos of the rhetors carried a certain logic all its own. By simply appearing and calmly articulating their dissent the anti-rhetors established themselves as the keepers of the status quo, the bearers of widely shared community values, and the legitimate representatives of a large cross-section of belief and thought."

Gay activists who felt that the City Council had let them down decided to circulate a petition which, if signed by enough community members, would put a measure on the ballot which would allow Davis citizens to vote on whether they wanted a gay rights ordinance. The response of the First Amendment Coalition was for two lawyers associated with the coalition to

file a suit challenging the legality of the Human Rights Initiative (the name given to the initiative proposed by gay rights activists).



In addition, a variety of other methods, which Medhurst clearly outlines in his article, were used to turn public support away from the gay rights initiative. A mere 24 hours before the ballots were to be printed, the California State Supreme Court ruled that the Human Rights Initiative was indeed a legal measure. The measure was defeated in June of 1980 by a 2-1 margin.

Members of the original group which supported the Gay Rights Initiative view their defeat with mixed feelings. "There were some less-than-fair tactics used,"

says one member who wishes to remain anonymous. "The First Amendment Coalition totally ignored the factual evidence we had of discrimination and used rhetoric to twist the issues."

"We learned a lot about how this city's government works," says CFLAG's Wagstaff on a more positive note, "and about how to reach people. We're approaching the issue of anti-discrimination more carefully and slowly this time as a result."

The question, of course, which comes to mind as members of CFLAG prepare their case, is: Is there really discrimination against gays in Davis? And if so, where?

CFLAG has prepared and distributed over 400 surveys to homosexuals in the Davis community asking them to describe what, if any, kind of harassment or discrimination they have experienced. Specifically, questions are asked about housing, employment, and business where CFLAG feels basic human rights are being violated. The survey also asks gays if they would be willing to testify either publicly or privately about their experiences.

The surveys, CFLAG says, are a way of documenting discrimination and proving that there is a real need for a Gay Rights Ordinance. Establishment of this need is crucial to CFLAG's position, as it has been argued that there are not enough gays in Davis to warrant an ordinance, and that it is unnecessary to resort to legal measures to settle problems.

To quote Medhurst once again, "Davis was a tolerant, open-

minded community. No one need fear. No witch hunts were planned. No real problems existed. This was a community in which people could talk, face to face, and resolve their differences without recourse to force, physical or legal."

According to written and verbal statements from gays in Davis this statement is false. "Ninety-eight out of 100 gay men and women deliberately hide

their relationships from others," says an anonymous spokesperson who fears that if she reveals her identity it would endanger the job of her lover. "It's because they know they could lose their jobs or homes."

Another person writes, "When my employer found out I was gay, I was told I had to look for employment elsewhere and given a real bad evaluation. However, my supervisor had glorified me in all respects in the past."

Other statements document such things as physical and verbal abuse, housing evictions,

**"Voters discriminate when they go to the polls to vote for City Council members. What, pray tell, is wrong with discrimination?"**

poor service in restaurants, and even simply going out of the way to keep a relationship hidden.

"So many times," writes another person, "I have felt insulted and humiliated and yet unable to say or do anything about it. That is the discrimination I feel day to day. And the only way I can fight it is if I am convinced that I can have my say without being penalized for it. And for now, as I've said, the penalties for speaking up seem swift and automatic."

Statements such as these indicate there is a real fear in the gay community. "First of all," says Alex Braheras, a member of CFLAG and collator of the surveys, "the sheer repetition of people's fears of discrimination against them is astounding. Nearly everyone mentioned minor fears of verbal abuse and harassment, many mentioned fear of eviction and loss of job if his or her sexual orientation became known."

"Granted, these are simply fears, but often, as in the case of most of the responses, they are as harmful as actual hard-line discrimination cases. There is no legal protection on the basis of sexual orientation,

so the fears are justifiable in most of the respondents' minds."

The goal of CFLAG is to lay the groundwork for the drafting and passage of a Gay Rights Initiative through documentation of discrimination, and by gathering community support through petitions and educational forums. Members of CFLAG, working in Hason teams, have talked to City Council members, who in turn referred them to the city's Human Relations Commission (HRC) to see if an ordinance is needed.

The HRC has since formed a sub-committee whose purpose is to deal with issues of discrimination. CFLAG has outlined his proposals to the committee, which will review the information presented to it, and has asked that the committee do an analysis of its surveys.

CFLAG has also asked a group of professors from UC Davis to act as an independent panel for reviewing their documentation. "We are trying to get people outside of the gay community to review our find-

ings for us. That way it isn't only gays who will see the problems," says Catherine Tromovitch, another CFLAG member.

Members of CFLAG appear to be optimistic about the outcome of their work. Parker Sanderson, who has lived in Davis eight years and has worked on the issue of discrimination on the UC campuses, says he feels Davis residents will be more willing to accept a gay rights ordinance this time.

"I'm very optimistic," says Sanderson. "We learned a lot from our last attempt and people are more aware now. CFLAG is making a sincere commitment and we want people to know as much as possible about the issue.

We want to provide some education for people so they can make informed decisions."

CFLAG members agree that ignorance and fear of the unknown are major stumbling blocks to open communication.

"There are all sorts of crazy myths about gay lifestyles," says one woman, "and it's time people realized gay men and lesbians form lasting relationships, raise families, and interact in general like most other folks."

Currently CFLAG is still gathering information from its surveys and circulating petitions. They are also asking that HRC conduct a public hearing sometime in early March so that people will be able to testify about actual cases of discrimination. They have made their intentions public since December, and say that all the response has been positive.

CFLAG members who have been circulating petitions say they have been very encouraged by the reactions of Davis citizens. "A lot of people seemed surprised when I asked them to sign a petition," says Erica Crowell. "They said things like 'Well, of course we should have that.'"

# Junior-high pupils, officials find ways to defuse school violence

Federal project in three school districts shows discipline improves as students themselves look for solutions

By Lucie Mount  
Staff writer of The Christian Science Monitor

Rockford, Ill.

"You started it — you pushed me."

"You put your books down first — you wanted to fight."

Two boys sit well apart from each other, exchanging accusations in the John F. Kennedy Middle School office. Soon they are telling their story to Assistant Principal Sylvia Goff, who makes each listen to the other's version and decides the blame is equal. Both students get a three-day suspension from school as a penalty.

Within minutes this administrator is on the phone on another case, urging that a school-bus driver see to it that two students involved in a fracas the day before are seated as far apart as possible on the ride home that afternoon.

"I do miss teaching," says Mrs. Goff, who describes her job, like that of most deputy school-building administrators as "100 percent discipline."

As in many junior high schools, fighting has long been this school's major discipline problem. But, unlike many, Kennedy has been making a concerted effort to control and reduce it, with some success.

Kennedy has implemented a data-gathering system that enables school administrators to distinguish between incidents that violate school rules, those calling for discipline, and those requiring police involvement.

The Rockford school district (of which Kennedy is a part) and the school systems of Jacksonville, Fla., and Anaheim, Calif., are part of the National School Crime and Student Misbehavior Project. The project is jointly funded by the Department of Education and the Department of Justice.

Although none of the three has an unusually difficult discipline problem. Each was seen to have good potential for testing new strategies.

Chief technical architect of the research effort is Robert J. Rubel, author of "Violence and Crime in the Schools" and director of the Texas-based National Alliance for Safe Schools.

Dr. Rubel has designed a statistical profile for the schools focusing on where, when, what, and how serious

aspects of incidents occur, rather than on who was involved. "Dealing with who did it is a cop problem," he says. "This is pure crime analysis."

By pinpointing locations where most fighting occurs, administrators can learn where more supervision or other attention is needed. In one Jacksonville school, administrators discovered that persistent trouble in a locker area had to do with the way lockers were placed — at right angles to rather than lining the wall. The lockers have since been rearranged.

Dr. Rubel hopes the schools will not only develop more effective strategies to deal with discipline problems,

but that broad support networks also will be developed. The networks would be made up of teams of students, parents, custodians, and teachers at each building. Combining cooperation with community agencies, the networks can keep criminal assault under control and add to the principal's "leverage."

"It's a new way of looking at an old problem," says George Aschenbrenner, assistant superintendent for secondary schools in Rockford. "I think many of us had never really stopped to think that fighting is [not just] two kids duking it out, but that an assault is criminal activity and involves someone who doesn't want to participate."

By categorizing incidents in the reports they keep, project administrators are forced to differentiate between disciplinary and criminal incidents. For a mix of reasons, including concern about bad publicity, many school officials have long regarded anything happening within their walls as a school problem, calling police only reluctantly. The hope with the federal project is that school officials will seek outside help.

Broadening the circle of those trying to resolve school violence problems, administrators have said they feel relieved from the burden and also get new ideas.

In Rockford's East High School it was a parent on the crime team who had the idea about how to prevent vandalism to a series of wooden doors near the entrance.

The doors had been sent out for refinishing no less than three times. The parent, noticing that one busy hallway featured a student-painted mural that had never been defaced, suggested an art-class contest. The winning panels were put on the doors more than a year ago and have never been touched. "The key is that the kids did it, and that the other kids know they did," says East High Principal Bill Bowen.

Each school or district in the project picked one major topic and tries to involve as many as possible to resolve it. The Anaheim schools all focused on class cutting and tardiness. Rockford's Kennedy focused on fighting.

Although the accumulated statistics are primarily for

By 1/22

in-house use, Kennedy Middle School Principal John Costello says they show a 20 percent drop in fighting during the three weeks before and after an all-school seminar on the subject last fall.

Students were encouraged to think about why fights occur and alternatives they might recommend. One suggestion that was instituted, was penalizing fight-watchers who don't disperse at a teacher's request. Mr. Costello and other Kennedy officials say there is now more talking through of arguments, often with a teacher present.

Counselor Kristin Wilson, a member of the Kennedy team, says students often want an adult involved in their disputes. Many fights, like the one she broke up at the cafeteria recently, occur only where the combatants are sure to be seen by peers and stopped by a teacher before things go too far.

"There's a lot of showmanship involved," says Mrs. Goff. She says that if the discipline structure at home is strong, school officials usually need make only one call to a student's parents.

Rockford's efforts have been bolstered by a long-term liaison program with the police department and a reward effort piggybacked on the community's crime-stopper program. Dr. Aschenbrenner recalls that when one school announced on its public address system that it would give a \$100 reward for information on the loss of two expensive two-way radios, there

was a line of 15 students within minutes, and the radios were found within a half-hour. "I'll never forget it — it solidified my faith in rewards," he says.

The Florida and California experiments, while following the same statistical method, have focused more strongly than Rockford on developing a close personnel network among community agencies, according to Charles Tremper of California's Ursa Institute. Mr. Tremper was the official evaluator of the \$600,000 federal project now in its second and final year. "There's been some remarkable progress," he says.

Second of two articles on school violence. The first appeared Feb. 21.



R. NORMAN MATHENY — STAFF

Seeking pupils' views: a way to curb school fighting

RESOLUTIONS OF THE BOARD OF DIRECTORS

OF THE

LOS ANGELES URBAN LEAGUE

WHEREAS, the Los Angeles Urban League is an organization committed to the promotion of civil and human rights and social justice and equal opportunity;

WHEREAS, the system of apartheid in South Africa is abhorrent to even the most rudimentary ideals of civil and human rights and social justice and equal opportunity;

WHEREAS, the government of South Africa has continued to demonstrate intransigent opposition to ending the system of apartheid; and

WHEREAS, violence could dangerously escalate if progress is not soon made toward ending the system of apartheid in South Africa;

NOW, THEREFORE, BE IT RESOLVED THAT the Los Angeles Urban League condemn, and it hereby does condemn, the system of apartheid in South Africa and the government of South Africa for its perpetuation of the system of apartheid, and the Los Angeles Urban League calls upon the government of South Africa to take immediate steps toward the implementation of a democratic form of government and a system which promotes civil and human rights and social justice and equal opportunity for the blacks who constitute the vast majority of South Africa's population;

RESOLVED FURTHER THAT the Los Angeles Urban League call upon, and it hereby does call upon, our local, county, state and federal governments to bring to bear whatever political, economic, diplomatic and other pressure available to them that is calculated to prompt the government of South Africa to end the system of apartheid;

RESOLVED FURTHER THAT the Los Angeles Urban League call upon, and it hereby does call upon, our federal government to elicit governments around the world to bring to bear whatever political, economic, diplomatic and other pressure available to them that is calculated to prompt the government of South Africa to end the system of apartheid;

RESOLVED FURTHER THAT the Los Angeles Urban League call upon, and it hereby does call upon, the businesses in our nation which have not yet done so to adopt and vigorously implement the Sullivan Principles relating to conducting business in South Africa;

RESOLVED FURTHER THAT the Los Angeles Urban League call upon, and it hereby does call upon, the businesses in our nation not to make any new investments in South Africa until such time as the government of South Africa can reasonably demonstrate that progress has been made toward the elimination of the system of apartheid and that measures will continue to be taken until the system of apartheid is entirely eliminated; and

RESOLVED FURTHER THAT the Los Angeles Urban League call upon, and it hereby does call upon, the businesses in our nation to terminate existing investments in South Africa if progress toward the elimination of the system of apartheid has not been made.

# Los Angeles Urban League

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FOR IMMEDIATE RELEASE  
January 28, 1985

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## URBAN LEAGUE URGES NO NEW PRIVATE INVESTMENT IN SOUTH AFRICA

Mr. John W. Mack, President of the Los Angeles Urban League today urged that American firms doing business in South Africa restrain from new investments in that country.

"If we believe in the protection and enhancement of human dignity at home and abroad, if we believe in the value and strength of representative government, then we must use every peaceful tool, at our disposal, to eliminate the vicious system of apartheid in South Africa."

"Our nation's present foreign policy of speaking softly and doing nothing fundamentally constructive is naive, misguided, and, most critically, ineffective," continued Mack. "The League clearly sees the need for the implementation of more aggressive steps to forever eliminate the evil of apartheid. Economic leverage, in addition to political pressure by our government, and continued protest by the national movement represents one of our most valuable tools. We cannot be afraid of utilizing it to promote the cause of human rights and justice for the over 23 million Black South Africans."

Mr. Mack continued by stating that "the Los Angeles Urban League is encouraged that some corporations appear to be reevaluating both the strength of our country's foreign policy and their individual South African investments." "Many more members of the corporate community", he stated, "now recognize that their financial interests

Urban League Urges No New Private Investment In South Africa  
January 28, 1985

Page -2-

African society. The League applauds this initiative, as well as the increasing democratic and republican congressional concern with this crucial issue." "If President Reagan responds to anything," stated Mack, "he will likely respond to urgent messages from his republican colleagues and the private sector. This is what we are trying to stimulate."

For businesses continuing in their South African enterprises, the Los Angeles Urban League Board urged that all actively implement each aspect of the Sullivan Principles which call for equality of opportunity for Black South Africans employed by American firms. "It just makes common sense and is morally sound for American firms to be non-discriminatory in their activities in South Africa."

In addition to adherence to the Sullivan Principles, a resolution adopted by the League Board of Directors urges that no new investments be made in South Africa until steps permanently eradicating apartheid have been taken by the Pretoria government. According to Dr. Madison Richardson, Los Angeles Urban League Board Chairman, "we can no longer help nourish the economic foundation of South Africa without asking that its government make fundamental concessions in the area of human rights." "The League wants to see investment continue", he stated, "but we need to make a fair return on such investment—a return that is in everyone's best interest. That fair return should be nothing less than total freedom and economic parity for 23 million Black South Africans."

The League's Board resolution and Mr. Mack also stated that if steps are not taken to eradicate apartheid by the South African government, then firms currently investing in that country should terminate such investments.

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